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July 2000

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By Cathy Young

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Q&A with Thomas Szasz

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JERRY SEINFELD VS. FRIEDRICH NIETZSCHE

IN PRAISE OF SUBURBIA

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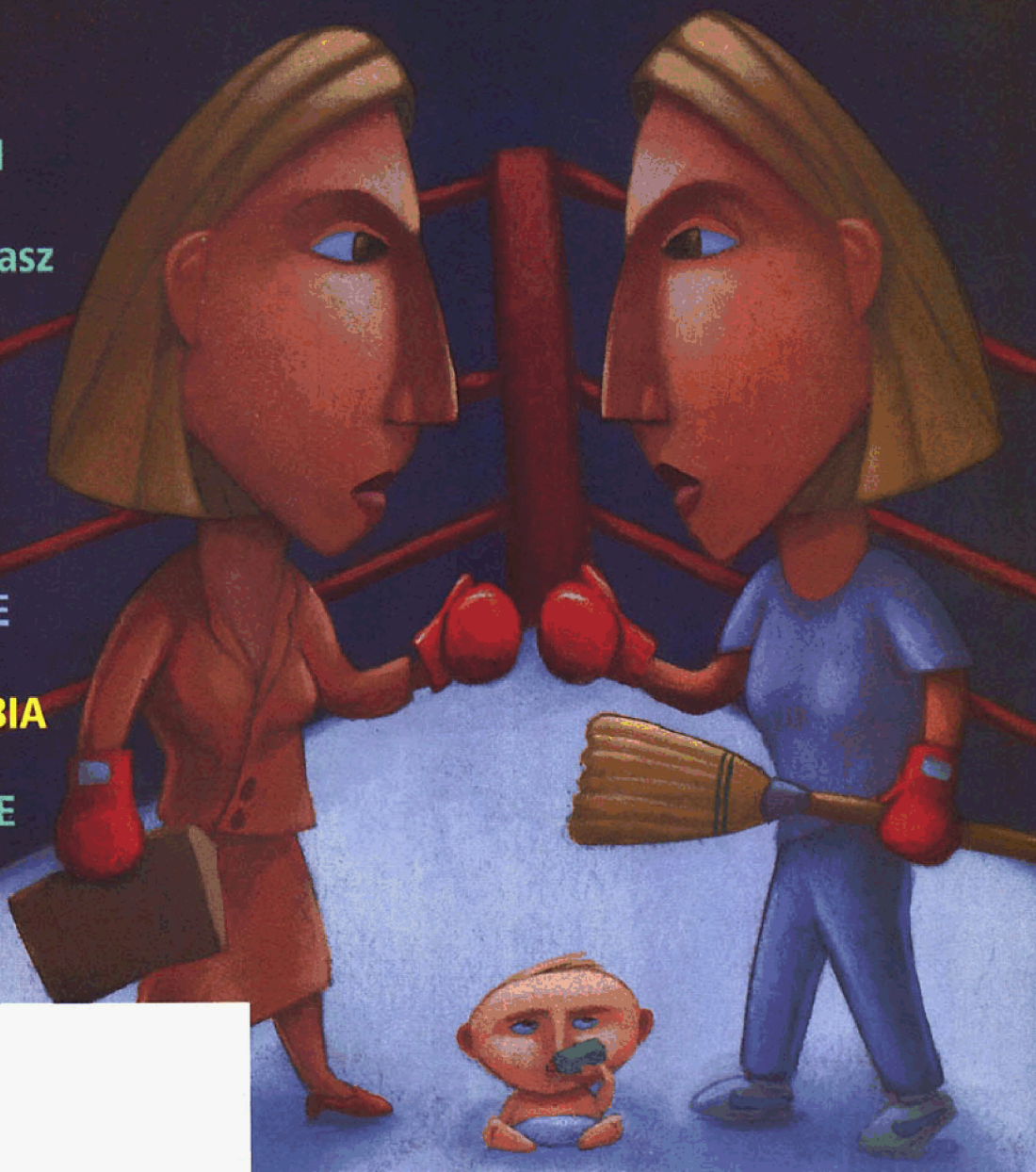

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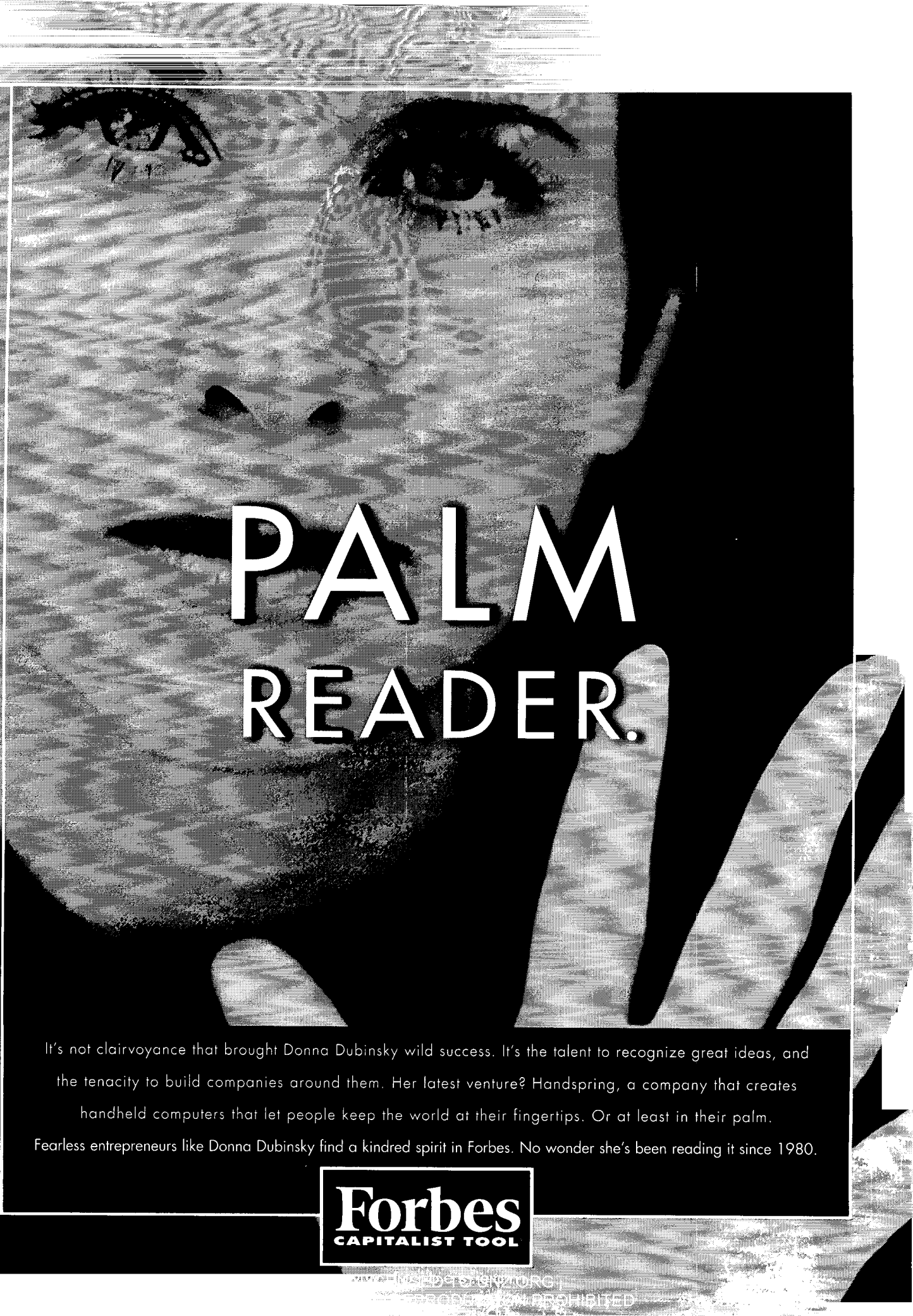
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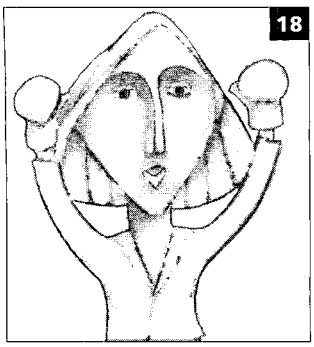

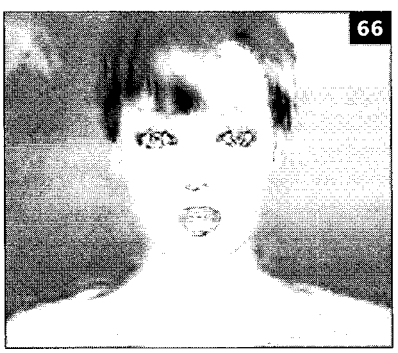

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Horizontal Cities

Suburbia is finally getting its due from social critics.

By Nick Gillespie

For those of us who grew up in "suburbia"—that geographic and psychic region that has long been synonymous with all that is "plastic" and "soulless" in American life—the April 9 edition of *The New York Times Magazine* was a real stunner. Who would have expected one of the nation's great arbiters of taste and sensibility to sanctify "The Triumph of Burbopolis" with a special issue that actually had some good things to say about the suburbs? One story even went so far as to praise Levittown, Long Island, that reportedly irradiated Ground Zero of the post-war suburban explosion: "Held up as an example of conformity and monotony, Levittown's 17,000 identical capes have mutated into an exuberant architectural Babel: the sparrows on a wire have each grown their own distinctive plumage."

Such thoughts underscore a significant shift in elite opinion regarding suburbia, the place where most Americans—138,231,000 of them, according to the Census Bureau—now choose to live.

The original critique had been fully articulated by the 1920s, when social critic Lewis Mumford suggested that if "the 19th century American town...was the negation of the city," then "suburbia was the negation of that negation. The result was not a new synthesis, but a deterioration." Though Mumford's archly negative take was among the first, and most influential, he was hardly alone in castigating what historian Frederick Lewis Allen dubbed "the suburban nightmare" and efficiency expert Christine Frederick derided as "sugary and commonplace and pathetic."

Updated from time to time, such views continue to cast a long shadow, as evidenced by the reception of films such as *American Beauty* (whose protagonist, in the words of one representative critic, bravely struggles "to awaken from the stupor of 20 years in the suburbs") and the new book *Suburban Nation* (whose subtitle announces two simultaneous and equally horrible trends: "The Rise of Sprawl and the Decline of the American Dream").

To fully appreciate the significance of the attitude shift embodied in the *Times Magazine* coverage, it helps to understand what I call Suburban Shame, that pervasive feeling of inadequacy and inauthenticity that comes with growing up somewhere other than a big city (preferably on its mean streets or in its silk-stocking district), a small town (preferably a "village" or "hamlet" lacking any chain stores and house numbers), or a farm (preferably a family-run operation under constant threat from both the elements and big-city bankers). Those places and the people who live there, we've been told by generations of social critics and artists, are "real." In contrast, the suburbs and its residents are "fake."

Understanding the suburbs has become a prerequisite for a full appreciation of American culture.

Suburban Shame can lead to bizarre behavior. Consider, for example, what happened when my wife and I decided to have our 1992 wedding ceremony and reception in the backyard of my parents' house in Middletown, New Jersey, an amorphous, sprawling township of 70,000 that's about 50 miles due south from Manhattan. To someone just passing through, Middletown is a featureless conglomeration of subdivisions and tract homes that illustrates perfectly what anti-suburb types have memorably described as the "geography of nowhere."

Despite its suggestive name, Middletown is smack dab in the middle of nothing (there are even two other Middletowns in New Jersey). In fact, my hometown doesn't even have a middle of its own, unless one counts a series of nondescript municipal buildings that fly by when you're driving on the divided highway that is one of two main drags through town (the other major thoroughfare is, naturally, a second divided highway).

Yet my parents' backyard was the perfect spot for the wedding for a number of reasons: I'd lived there from the time I was 2 years old until I left home for good after college, so the location was meaningful in a way that a rented hall, country club, or hotel never could be; the shady, tree-lined backyard was big enough to put up a tent for about 150 people; the relative proximity to New York City made it more convenient for most of our guests than my wife's hometown in Ohio.

On one score, however, I purposefully inconvenienced our guests—or at least those coming from north of Middletown. When it came time to send out driving directions, I gave the guests a roundabout way of getting to my parents' house. Rather than have them get off the Garden State Parkway at Exit 117 and take State Highway 35 south for a few miles—the quickest, simplest route by far—I kept them on the parkway for a couple of extra exits and then directed them onto a series of winding, hilly, and confusing country-style back roads that would not only add close to 10 miles to their trip but give them even-money odds of becoming carsick.

Why? Because the stretch of Highway 35 from the earlier exit to my parents' street in Middletown is nonstop sprawl: strip mall after strip mall, fast-food joint after fast-food joint, kwik mart after kwik mart, gas station after gas station, condo development after condo development. It's

four miles of asphalt and very familiar, nationally branded light-box signs, with clusters of identical single-family homes tucked back away from the highway on winding streets chock full of cul-de-sacs. You pass through a total of four towns on the short drive. It doesn't get much more intensely—or embarrassingly—suburban than that.

The *Times* is far from alone in recognizing that suburbia has something going for it—that there might be some good reasons why most Americans now live there. The self-styled paper of record is taking its cue from the same sort of intellectuals who in years past helped create the image of the suburbs as mass-produced Potemkin villages lacking literal and figurative depth.

The new book *Picture Windows: How the Suburbs Happened* came about when Rosalyn Baxandall and Elizabeth Ewen, both of whom teach American studies at the State University of New York at Old Westbury, realized that their suburban Long Island students were "unlike the characters in 'Leave it to Beaver' or 'Father Knows Best.'" In fact, to Baxandall and Ewen's considerable surprise, they "led lives as intricate as any urban dweller."

Other scholars, such as Ohio State's Jack Nasar, Syracuse's Robert Thompson, and Rutgers' James Hughes, have reached similar conclusions after actually investigating their subject. "The suburbs today are really cities in horizontal form," Hughes told the *Times* late last year. "You don't have the density of the city, but all the economic functions that were once in cities are now in suburbs. There are hospitals, universities, cultural facilities and a wide variety of housing choices and therefore a multiplicity of household types."

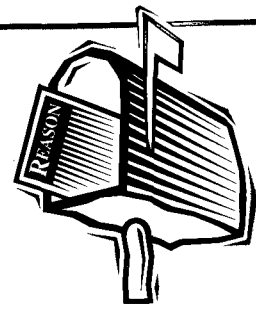
To put it in slightly different terms, what such researchers are recognizing is that suburbs, like cities and small towns, are populated by people dreaming and striving, yearning and hoping, living and dying. Critics are finally recognizing that suburbs are in fact places with pasts, presents, and futures as varied as the increasingly diverse people who are streaming into them in ever greater numbers.

As gratifying as such belated attention from elites may be, the recognition that real people live real lives in the suburbs is not news to those of us from the Middletowns of America. Nor is the understanding that so-called bedroom communities can in fact be real communities, the kind in which meaningful human dramas play out.

In the years since my wedding—since my Suburban Shame got the better of me—my parents passed inevitably into old age, and with it, sickness and death; my father died in 1997 and my mother just last summer. In their last years, they needed more and more help simply to make it through the days, and they benefited greatly from all the new stores and services that had come to Middletown since they had moved there in the mid-'60s—not just better pharmacies and home-delivery arrangements but gourmet coffee shops; massive, always-open supermarkets; book superstores; and ethnic restaurants that ranged beyond pizza joints and the occasional Hunan Palace. Their quality of life was immeasurably improved by the same forces of development that are still alternately ignored and castigated by the anti-suburb crowd.

More than anything, though, my parents benefited mightily from their neighbors, some of whom had lived side by side with them for decades, others who had moved in far more recently. My folks had helped these people out over the years, and that kindness was more than repaid. At my mother's funeral last summer, my parents' neighbors and friends—many of whom helped raise me, many of whom I hadn't seen in years, and most of whom I will in all likelihood never see again—came out to pay their last respects, to tell me what my parents had meant to them.

As I left Middletown a few days after the funeral, I drove out on State Highway 35, passing the strip malls, the fast-food restaurants, the kwik marts, the gas stations, even the cemetery where my parents now rest. It is understandable, perhaps, why such landscapes failed to make any sort of positive impression on commentators for so long. Similarly, it is exciting that such landscapes—and the people who inhabit them—are beginning to get a longer, more informed second look. As the suburbs grow in size and population, such understanding will increasingly be a prerequisite for a full appreciation of American culture. ◆



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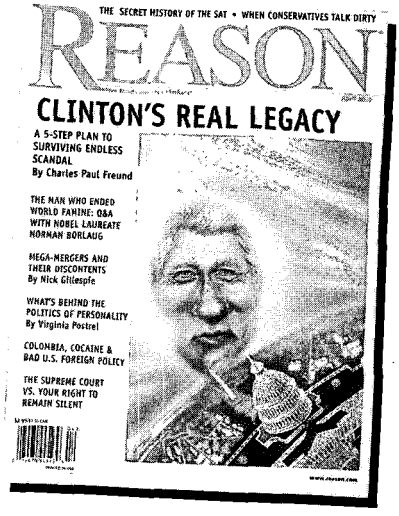
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Spectacular Strategy

Not only did Charles Paul Freund's article ("Secrets of the Clinton Spectacle," April) confirm my own observations and suspicions, it served to renew my frustrations with the current political climate.

Imagine my reaction when the very next day a TV news clip showed U.S. Senate candidate Hillary Clinton here in New York state responding according to "formula." The news story was about the recently released report on the campaign finance practices of the Clinton administration and the involvement of Al Gore and Hillary. She responded to questions with a wide-eyed smile and said it was "old news," "people know all about that," and it's time to "move on." The American people, especially New Yorkers, need to be reminded that the Clintons are still at it.

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Charles Paul Freund's brilliant analysis of the Clintons' modus operandi in scandal management left out an essential tactic: the realization that if an issue is sufficiently complex, you can lie with impunity. Neither the public nor the press have the patience to sort out complicated issues regarding financial regulations and legal procedures.

You can laugh in the face of the 10 percent of the people who understand the issues if 90 percent of the people dismiss any discussion of them as the incomprehensible legal jockeying of paid flacks. If matters seem in danger of coming into focus, obfuscate and complexify with an air of injured rectitude.

But the most important Clinton tactic, I believe, will be left to future historians to analyze: the systematic use of blackmail.

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Green Resolutions

Thanks for the interview with Norman Borlaug ("Billions Served," April). I've been a believer in organic gardening for years, although I'm not a fanatic about it. I don't use chemicals when gardening, but I do buy conventionally grown produce—it's too expensive to do otherwise.

We seldom hear the other side of the food production argument, especially so clearly presented and (I hope) not biased by ties to an agriculture-based business.

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I do not disagree with Dr. Borlaug's statistics and I have great respect for his contributions to agriculture. I don't, however, have his faith that agricultural technology can solve the food needs of an ever-increasing population. The resources of the earth are finite.

I did advanced studies in plant and soil sciences at Iowa State with a Ph.D. from the University of Minnesota. I have worked in production agriculture and agricultural research and development in the U.S., Central America, Africa, Haiti, and Saudi Arabia for more than 50 years. From what I have seen, the Green Revo-

lution has penetrated the richer areas but has had little effect on the poorer ones. It takes money to take advantage of the Green Revolution.

A few years ago, Saudi Arabia produced only a fraction of its need for wheat. Now, I believe, they are practically self-sufficient—but at what a cost. I worked in research and development for Prince Muqrin, one of King Fahd's many sons and ruler of the Hail region. He uses short-stemmed wheat from Mexico (or at least did in that research). He pumps water from 2,000+ feet and pours on the fertilizers and gets excellent yields. The government guarantees him $35 a bushel, while the world market is around $4.

I think we'd all like to eat foods and grow plants without pesticides, but that's not likely to happen, so we need to be conservative in their use and test for negative effects. We used DDT intensively on the central Illinois dairy farm where I grew up, and I probably have more of the chemical in my bones than one in a million persons.

I have cervical dystonia, a nerve-muscle disease that may or may not have been triggered by DDT (mammalian toxicity has been demonstrated). I've used herbicides and fumigants that have had long-term deleterious side effects not mentioned on the label. I was working for Iowa State when stilbesterol was introduced to increase beef production by 20 percent. It was later found to be hazardous to the consumer's health.

I think Dr. Borlaug does a disservice in labeling all environmentalists as extremists. Certainly there are extremists on environmental issues as there are extremists who think technology can solve all problems. Some of Dr. Borlaug's solutions require more fossil fuel. The cost of energy will only go up. What about the increased gases produced by technology, such as CO_2, that are destroying the ozone layer? Climate is changing and will have profound effects on all life, and potable water is in increasingly short supply.

It is amazing to me that Dr. Borlaug doesn't emphasize the need for population control along with technical advances in agriculture. Living in Haiti, as I have, would soon convince him of that necessity to maintain any decent quality of life. Yes, we need technology, but let's be more conservative—with longer testing periods for innovations and an awareness that agricultural technology must be combined with population control to maintain a decent quality of life.

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Vietnam West?

Kudos for publishing "The Drug War's Southern Front" (April) by Timothy Pratt. This article should be on the required reading list for both Congress and the State Department.

Even so, I'm afraid that it wouldn't help. I recall that *Street Without Joy* by Bernard Fall was on the recommended reading list for Army officers in 1962. In that book, Fall showed how the Viet Cong won the war and why the French never had a chance. It didn't help because the U.S. thought it could do better. The Viet Cong beat us using the same tactics and strategy. Now Colombia is on the way to becoming a disaster of Vietnam proportions.

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Watching the Watchmen

I enjoyed Cathy Young's article ("Miranda Morass," April). As a conservative, I've been concerned for some time about excessive and inappropriate use of police force. Likewise, I've been concerned about the effects of Miranda on suppressing evidence in criminal cases. Balancing the need to know the truth with the rights of suspects is sometimes difficult.

One concern that I've always had is that police officers who distort testimony, coerce confessions, contaminate evidence, etc., are almost never punished for the acts. Couldn't one replace Miranda with legislation which criminalizes certain police transgressions? A crime such as "warrantless entry" could be penalized as a misdemeanor or perhaps a felony under certain circumstances. Slap a $2,000 fine on a police officer for "warrantless entry" but allow the evidence seized to be admissible in court. This might better protect the rights of both the public and the accused than the present system.

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About the only time I have seen the Miranda warning in use is on TV and in movies. I'm a software engineer by trade, but I look more like a drug dealer with my long hair and Levis. And because of it, I have been falsely arrested at least eight times in the past 15 years because of how I look.

I was never read my Miranda rights during any of those false arrests and, in each case, when I told the police that I wanted a lawyer before talking, they did not comply with my request and continued to question me. In fact, the police made threats that bad things would happen to me if I didn't answer their questions. In all of the cases the police detained me for about an hour and then released me after telling me I was a bad citizen for demanding my Fifth Amendment rights. In a few of the cases the police didn't show any respect for my Fourth Amendment rights and searched me, my car, or my home without my consent or a search warrant.

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Thought Reform

Alan Charles Kors' article, "Thought Reform 101," (March) is irresponsible schol-

arship in its reporting and commentary. Professor Kors radically distorts the presentation delivered by Hinda Adele Barlaz and Denise C. Bynes of Adelphi University at the Fourth Annual National Conference on People of Color in Predominantly White Institutions.

Professor Kors was not in the audience for our presentation. For his article on college orientation programs, he relied solely on Thor Halvorssen "for the materials and interviews from the Nebraska conference." It should be noted that Mr. Halvorssen did not interview either one of us. In addition, Mr. Halvorssen was not in the audience when the presentation began. In fact, he did not enter the room until we were approximately halfway into our presentation, at which point he appeared to have begun taping our comments.

Professor Kors' focus was on college orientation programs, a topic that we did not address in our presentation. Our only comments on college orientation programs came in response to a question by Mr. Halvorssen. In order to make our statements fit his own derisive agenda, Professor Kors misrepresented the primary focus of our presentation.

In fact, the title of our presentation was "The Phantom Menace or Why College Campus Racism and Intolerance Will Outlive Us All." Concerned about the prevalence of racist and intolerant behavior on college campuses, we wanted to share what we had learned as co-chairs of Adelphi University's Prejudice Reduction Committee. The main theme of our presentation was campus-wide diversity programs, not college orientation programs. The committee's work was a proactive attempt to solve immediate problems on our campus, not to indoctrinate anyone.

Erroneously, Professor Kors states that the Prejudice Reduction Committee is still in existence at Adelphi University, when throughout our presentation we emphasized that the committee no longer existed and that we were working on a proposal to resurrect a modified version of this committee in the foreseeable future.

Professor Kors' errors also include a long and wholly inaccurate discussion of the document, *Conflict Resolution Styles Questionnaire*, that we used in our campus facilitators training program at Adelphi—and not, as he reports, as a document for students. All of the ethnic characterizations that Professor Kors attributes to this "handout" are from another document we distributed in our session.

Professor Kors is inaccurate when he writes that the "training" by the U.S. Department of Justice's Community Relations Service was "so effective" that "it was very hard to get any of the other white members of the committee to go for the training." On the contrary, Ms. Barlaz stated that it was the training provided by the National Conference on Christians and Jews that had alienated some of the white members of the committee.

These major reportorial errors are compounded by a host of smaller ones: comments yanked from their original context and then applied to new and unintended ones; attribution of some remarks to Ms. Bynes that were in fact made by Ms. Barlaz; incorrect assumptions about the purposes and uses of the documents we distributed at the conference; and many more.

"Thought Reform 101" is an irresponsibly written and deeply dishonest article. We hope that REASON will reconsider using Professor Kors again.

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Denise C. Bynes
Garden City, NY
barlaz@adelphi.edu
bynes@adelphi.edu

Alan Charles Kors replies: Perhaps embarrassment at Adelphi University has led Ms. Bynes and Ms. Barlaz to claim locally that they had not been indiscreet and had not said what in fact they said. Perhaps having made such claims, they were strongly encouraged by their superiors to write to REASON. That is the only explanation I can imagine for assertions categorically belied by the evidence literally in my hands.

They claim that Mr. Halvorssen, whose role I openly acknowledged, taped only half of their speech. The tape itself (and its professional transcription) says otherwise; at most, he missed taping a moment or two of their self-introductions. They claim that Mr. Halvorssen did not interview them; I am listening to that open interview as I write, and I have its professional transcription before me. They claim that Mr. Halvorssen's question during Q&A was tangential to their concerns; I am listening to their explicit statement to the audience about the great importance and pertinence of Mr. Halvorssen's question, which they then chose to answer at very great length, relating it precisely to the main themes of their talk. Ms. Bynes and Ms. Barlaz may attempt to remake human reality during their diversity training, but they simply

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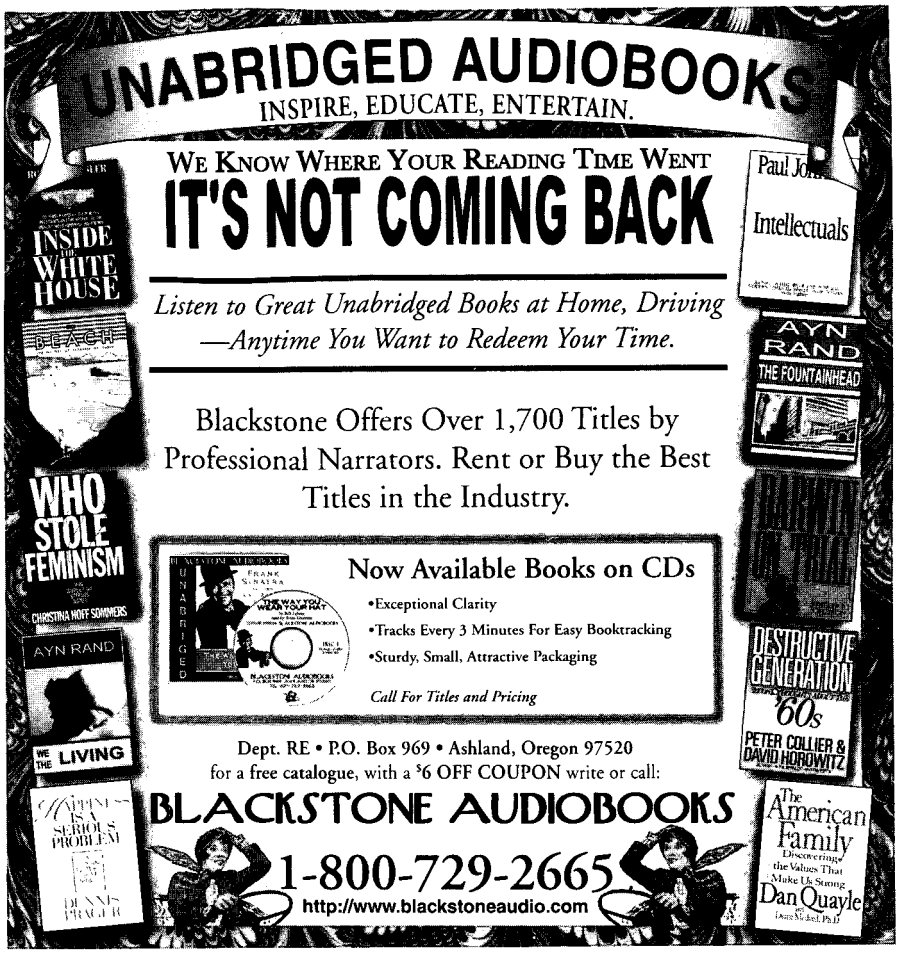
cannot remake physical evidence.

Similarly, I possess the handouts that they chose to share with the attendees. I appreciate the clarification that they make about the provenance of any of those documents. (The only source listed on them by Ms. Bynes and Ms. Barlaz is the Department of Justice, and that sheet was part of and stapled together with the materials concerning racial and ethnic characteristics.) I am relieved to learn that the very worst racial profiling in these documents came from the National Council of Christians and Jews, not from the diversity training mavens at the DOJ.

The handouts were profoundly misleading, but I apologize for that significant error. Ms. Barlaz did note, in her formal presentation, that "it was very hard to get any of the other white members of the committee to go for the training that the U.S. Department of Justice provided free of charge," and she explicitly explained a few lines later that "both the National Conference of Christians and Jews and the Community Relation Service of the Department of Justice both do exercises that are very similar on conflict resolution style." If they intended a distinction despite the two "both"s, it was not clear.

I in no way twisted their views or agendas. My article concerned diversity training (of which freshman orientation was merely one sad instance). The article originally offered a longer history of their Adelphi Prejudice Reduction Committee, but an editorial conference wisely chose to examine their thought, not their Committee's itinerary toward pending rebirth. My "focus" was the world view, practice, and aspirations of campus social engineers who seek to "train" free individuals on intimate matters of belief and identity.

Ms. Bynes and Ms. Barlaz may regret it now, but they were exceptionally forthcoming on tape about how far they wished they could go in "training" the entire Adelphi campus, about the "white privilege" of faculty and students who happened to be born incorrectly, and about the need to overcome by "incentives" union objections to mandatory diversity seminars for the faculty. Having listened to the tape yet again, I think that I was not only wholly fair to them but, indeed, that my analyses were moderate and particularly kind to their reputations.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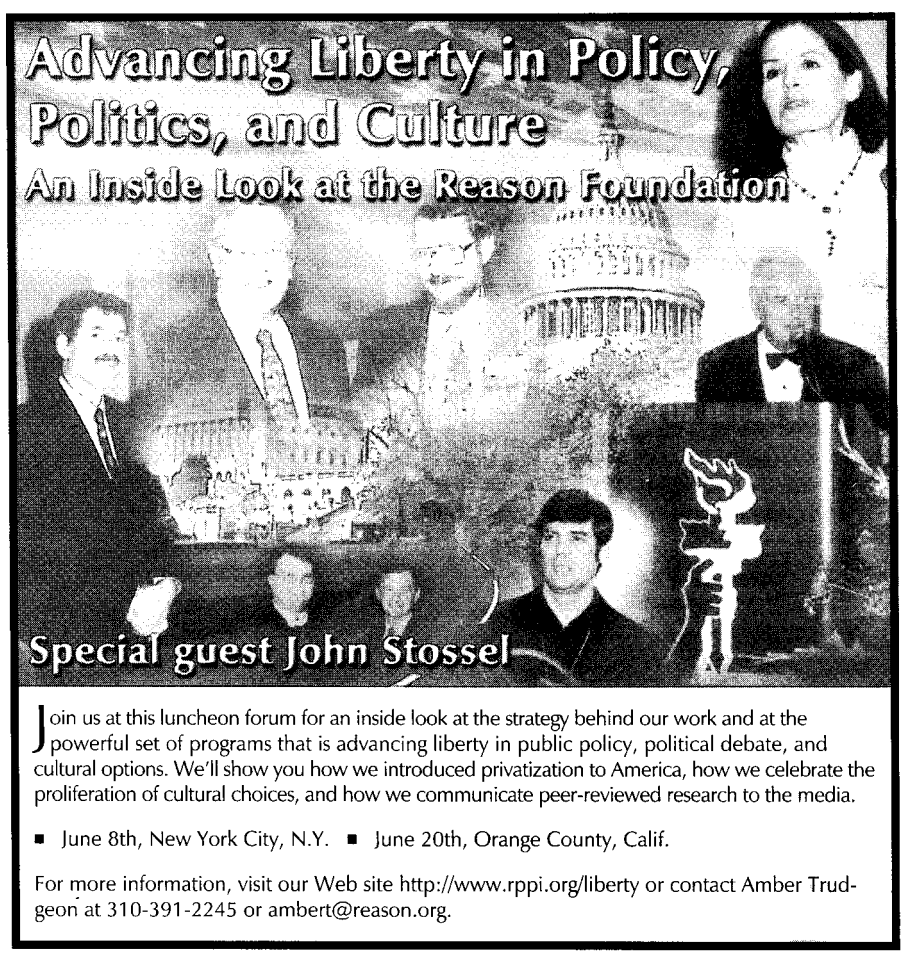
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Citings

Twisted Logic

By Jeff A. Taylor

Who would've thought that a heavy metal band harangued by Tipper Gore back in the 1980s would end up endorsing her husband for president?

Yes, Twisted Sister has gone on record to say that Al Gore should be elected, despite lead singer Dee Snider's uncomfortable appearance before Gore's Senate committee on commerce in September 1985. That was back when the Parents Music Resource Center, under the direction of Mrs. Gore, was waging a campaign to put warning stickers on albums. The effort was denounced by a musical Who's Who, including Frank Zappa and John Denver, both of whom joined Snider in appearing before the committee.

AP/WIDE WORLD PHOTO

For Snider, that's all yesterday's news. Gore's love for the great outdoors now trumps everything.

"To me, everything else is moot if you don't have a planet to battle on," Snider said. "[Gore's] a big environmentalist." He added: "I'm 45 years old and faced with the prospect of my two nemeses becoming president and first lady of the United States. So I'm pretending it didn't exist."

Snider is not alone in forgetting the past. His bandmates are also backing Gore, as are Frank Zappa's heirs. (Ironically, the man who once asked the musical question "Why Does It Hurt When I Pee?" died from prostate cancer in 1993.) Zappa's widow Gail has showered the Clinton-Gore team with hundreds of thousands of dollars since 1995. Federal Election Committee records also show that the various Zappa offspring—Moon, Diva, Dweezil, and Ahmet—have also made contributions to Democratic candidates and causes, including some directly to Gore 2000.

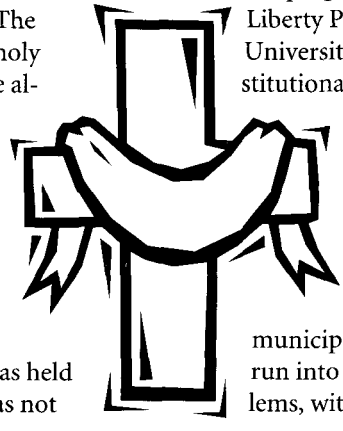
Diva has even gone so far as to invite Tipper, the woman her dad once termed a "cultural terrorist," to sit in on drums during a performance last December.

Church vs. State

By Brian Doherty

In Grand Haven, Michigan, the Haven Shores Community Church rented storefront space in a shopping plaza to hold worship services. Although the zoning category for the space explicitly allows "assembly halls, concert halls, or similar places of public assembly," not mentioning churches one way or the other, the city zoning board decided a church was not an allowable use. Grand Haven seems to be jumbling the First Amendment: It allows freedom of assembly in a shopping center—as long as it isn't religious in nature.

With the help of the Becket Fund for Religious Liberty, a public interest law firm, the church is suing the city. The Haven Shores holy men want to be allowed to hold services in their storefront and are seeking a symbolic $1 in damages. At press time, a district court has held hearings but has not yet issued a ruling.



Relations between God, man, and zoning board are often troubled. In congressional hearings in 1998 about the proposed Religious Liberty Protection Act, University of Texas constitutional law professor Douglas Laycock testified that smaller faiths —and every faith, he stressed, is small in some municipality—tend to run into zoning problems, with many

Balance Sheet

By Jeff A. Taylor

ASSETS

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▲ Work Progress. Longtime immigration foe Rep. Lamar Smith (R-Texas) softens his opposition to bringing in more foreign high-tech workers. Congress now works toward lifting caps on special work visas as the shortage of tech workers continues.

△

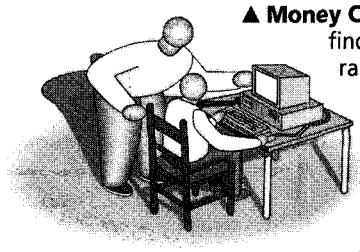
△

▲ Spy Guy. The director of the super-secret National Security Agency is forced to go before Congress and deny his agency spies on Americans. Reports of the global snoop system called Echelon prompted the denial, which—even if taken at face value—is a step toward real oversight.

△

▲ Bit Speech. The American Civil Liberties Union and other First Amendment defenders recognize that Internet spats over copyright have a free-speech component. Attempts to limit what programs can be distributed on the Net are called prior restraint of speech in court cases.

△



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▲ Money Clicks. Forrester Research finds that whites actually rank third behind Asian Americans and Hispanic Americans in online access once income is taken into account. And all groups use e-commerce for the same reason: convenience.

△

▲ Irish Jigged. The evil globalists at the World Trade Organization work to win royalties for Irish musicians. A 1998 change in U.S. copyright law exempted small venues from paying for the music they play. The WTO says that's not fair.

△

▲ Over Spiced. Military tactics of police get knocked with a decision by the U.S. 9th Circuit Court of Appeals. Police use of pepper spray can be an unconstitutional "unreasonable use of force" when used on nonviolent protestors.

△

▼ Home-Jailed. Local school districts appear to use mandatory attendance laws to punish parents who want to homeschool their kids. A Virginia couple sues their local school district for falsely arresting them after they removed their son from classes. In January, it was a Michigan couple that met the same fate. They still face criminal charges.

▼ Model Behavior. Tony Blair's Labor government takes aim at so-called "super-waif" models. Britain's Department of Trade and Industry may draft regulations that would outlaw "use and abuse" of anyone with eating disorders in marketing.

▼ Ding-Dong Service. The New Networks Institute concludes that local Bell companies stifle competition and the growth of broadband services in the U.S. and underserve independent ISPs. Only 8 percent of responding ISPs gave their local phone company a passing grade on services provided. And complaints to state regulators seldom corrected the problems, the survey found.

▼ 1-800 Revenge. A Canadian "snitch line" set up as part of a national firearms registry has received 3,200 calls from women concerned about spouses or estranged partners applying for gun licenses. A member of parliament claims that "vindictive" calls have denied licenses without any investigation into the complaint.

▼ Playstation Police. Illinois Attorney General Jim Ryan warns stores not to sell "ultraviolent" video games to minors. Sting operations have already been mounted in which young teens buy games rated for those 17 and older. "I urge your company to strongly consider enforcing the industry rating system by halting the sale (of) 'M'-rated games to minors," Ryan writes to retailers.

▼ Crank Calls. A Denver bookstore is targeted by law enforcement for selling books on methamphetamine-making. A regional drug task force wants the sales records of the Tattered Cover, which may show that a drug suspect bought a book there.

LIABILITIES

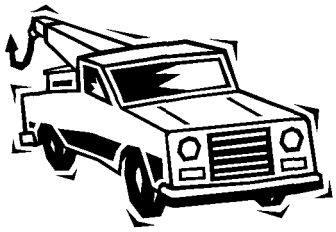
churches prohibited from existing where they'd like. While conflicts between church and zoners often involve the unbiased application of one zoning law to everyone, Becket Fund spokesman Pat Korten emphasizes that, since all assemblies but religious ones seem to be permitted under Grand Haven's rules, this case is one of blatant discrimination.

In another recent church-state scuffle, embarrassed authorities in Portland, Oregon, backed down from a particularly heavy-handed intervention. A city hearings officer, responding to neighbors complaints, had shut down a free-meals-for-the-homeless program and capped church attendance at 70 at the Sunnyside Centenary Methodist Church. The City Council overturned the decision in early March.

Just Kidding

By Mariel Garza

In April, with the collaboration of police and fire officials, Redondo Union High School called its seniors in for a special assembly. Officials at the suburban Los Angeles school told the teens that the night before, a horrendous drunk-driving car accident had killed one of their classmates and badly injured another. For dramatic effect, a tow truck dragged in a mangled car, allegedly the vehicle involved in the crash.



The school kept the students going for about 10 minutes, then told them that it was all a hoax—for their own good, of course. The idea, presumably, was to scare the kids away from driving while drunk, not to teach them to disbelieve anything the authorities tell them.

In a metropolitan area where more than a few carloads of teens have been in fatal accidents in recent months, the story hit close to home for some students. "I totally fell for it," one senior later told *The Los Angeles Times*. "It scared me. I got really upset." School officials have said the negative reaction to the skit has made them think twice about pulling the prank next year.

Post No Ills

By Michael W. Lynch

Carla Virga, a secretary from Yuba City, California, was upset with the Memphis, Tennessee-based company Terminix for not discovering some pest problems in the home she purchased. In September 1997, after losing her own lawsuit ▶

QUOTES

"We've probably had more time together in our time here than at any point in our marriage, and I've enjoyed that immensely. **It's been wonderful for us."**
—President Clinton, discussing how living in the White House affected his marriage, on National Public Radio's *Diane Rehm Show*, May 11, 2000

"Before Chelsea left for college, she, Bill, and I made it a priority to share at least one meal together every day. **That half-hour in the small kitchen of our private quarters of the White House was always my favorite part of the day."**
—Hillary Rodham Clinton, in *Newsweek*, May 8, 2000

"George Bush right now is hiding in a closet under a rug, terrified that Noriega will get out and blow him away. **How can he be such a wussy?"**
—Frank Rubino, attorney for Manuel Noriega, commenting on the former president's opposition to paroling Panama's former dictator, quoted by *In These Times*, May 1, 2000

BRICKBATS

◆ Azusa, California, has a reputation as a conservative town. Activists there forced the local cable company to block the Playboy channel, for instance. But City Manager Rick Cole may have gone just a little too far in his quest to keep out what he thinks is indecent material. The Los Angeles Avengers, an arena football team, took out an ad on a billboard promising "Six Beautiful Women Will Show You Their Panties" if you attend their games. It was a joking reference to the team's cheerleaders, but Cole found nothing funny about the sign. So he took one of the town's cherry-picker trucks and splashed paint on the sign. His fellow city council members applauded his actions, rule of law and the First Amendment apparently not being conservative values. But local prosecutors are investigating whether he should be charged with vandalism.

◆ Let's hope the muckety-mucks in Oakland, California, don't try to imitate their comrades in Azusa. Health officials there are upset that a local billboard company won't take their ads mocking Budweiser's beer-drinking frogs. The company says it has a policy not to take ads attacking other customers' products, and that it will take anti-drinking ads that don't single out a particular product or company. Local officials claim the company's refusal to run their ads violates their First Amendment rights.

against the company, she created a Web site (www.syix.com/emu) to tell her story and to "forewarn people that they cannot count on legal documents, the legal system, or State of California licensing agencies." She also added the word "Terminix" to the electronic codes in her site known as "meta tags," so when people punched "Terminix" into popular search engines, her critical site popped up along with Terminix's official one.

Terminix sued her for libel, but a California state court dismissed the case for lack of merit in April 1998 and ordered the company to pay Virga's attorney's fees. In October 1999, the company decided to try its luck in its home state, filing a trademark suit against Virga in Tennessee. She fought back, and Terminix dropped its case in March.

In a similar case, U-Haul is suing John Osborne and Glenda Woodrum over a Web site called U-Hell, on which the pair tells the story of an eight-hour move that became a week-long ordeal (www.coyotes.org/~consumer/uhell). U-Haul first filed its federal suit in Arizona, charging the couple with trademark infringement, trademark dilution, and libel. When the case was dismissed on technical grounds, U-Haul sued again in Georgia. A jury trial is set for October.

U-Haul might benefit from listening to Terminix Vice President Steve Good, who says his company dropped the case because it was more "productive for us to harness the power of the Internet in ways to better serve our customers." Terminix plans to create a site where customers can post their experiences with the company, be they good or bad. "We will respond to bad very quickly," promises a relaxed Good.

Central Family Planning

By Brian Doherty

International aid bureaucrats have a longstanding interest in population control, arguing that one more mouth to feed exacerbates, or even causes, the underdevelopment they are supposed to combat. In 1998, to curb any excess zeal in the pursuit of fewer babies, Congress passed an amendment prohibiting the U.S. from funding any population-control program abroad that wasn't completely voluntary or that used targets and quotas for sterilization or contraceptive use.

Now Population Research International, a group opposed to coercive population-control measures, is calling for a congressional investiga-

☛ "It is of course true that in Vietnam and Cambodia, one State has been immediately displaced by another—not surprisingly, since the Communist-led insurgents are scarcely anarchists or libertarians. But States exist everywhere; there is nothing remarkable in *that*. What is inspiring to libertarians is to see the final and swift disintegration of a State."

—Murray N. Rothbard, "The Death of a State"

☛ "Jerry Brown...[is] more libertarian than the average politician, and much more so than any recent Governor of California. He is more fiscally conservative than many so-called conservative leaders, and yet is a good liberal on civil liberties questions."

—Eric Garris, "California's *Other* Governor"

☛ "One of the defining characteristics of this transition from 'political capitalism' to a more 'orthodox' fascist economic system involves the expanding role of the state in socializing private costs. Private profits are preserved and protected by an ever-expanding network of state privilege and subsidy designed to shift the cost burden from the individual corporation to the public at large."

—Walter E. Grinder and Alan Fairgate, "The Reconstruction Finance Corporation Rides Again"

tion into the contraceptive practices of Peru's Ministry of Health, which received $36 million last year from the U.S. Agency for International Development. PRI has collected testimony from Peruvians claiming that doctors have sterilized women during Cesarean sections without prior approval, that clinic workers are being rewarded with new clothes for meeting family-planning quotas, and that women are being given contraceptive drugs such as Depo-Prevera without informed consent.

These practices, says PRI president Steven Mosher, violate the congressional amendment. Mosher thinks Congress should toughen the amendment's enforcement provisions as well: Right now, if USAID violates the law, it's required merely to promise to mend its ways.

DATA

Killer Tomatoes

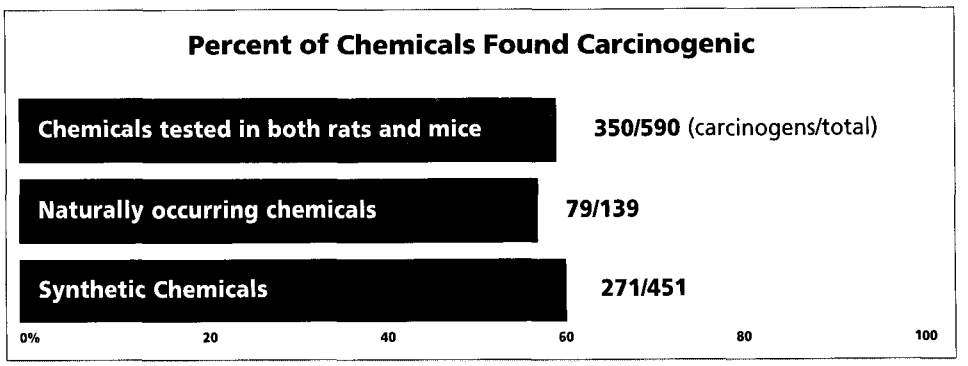
By Michael W. Lynch

If you're worried about pesticides causing cancer, you'd better not eat broccoli, bananas, peaches, peas, pineapples, potatoes, or even tomatoes. Going organic is futile. Each of these fruits and vegetables—and scores more—produces natural pesticides that have been shown to cause cancer by the same tests that condemn many synthetic pesticides.

"Of all dietary pesticides that humans eat, 99.99 percent are natural," write University of California at Berkeley cancer experts Bruce Ames and Lois Swirsky Gold in a recent paper for the journal *Mutation Research*. "They are chemicals produced by plants to defend themselves against fungi, insects, and other animal predators."

Ames and Gold's message isn't to quit eating fruits and vegetables. They just want to debunk the hysteria over synthetic pesticides and work toward a more rational regulatory system that focuses on large risks (such as poor diet and lifestyle), not small ones (such as chemical bogeymen).

"Publicity about hundreds of minor hypothetical risks, such as pesticide residues, can result in loss of perspective on what is important," the pair writes. "Half of the US public does not know that fruit and vegetable consumption protect against cancer." Even though they contain pesticides.

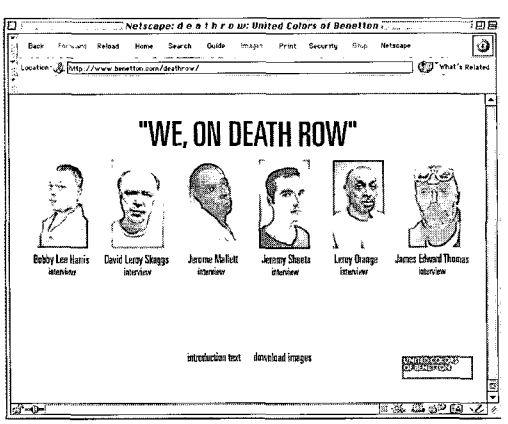


Source: Bruce N. Ames and Lois Swirsky Gold, "Paracelsus to parascience: the environmental cancer distraction," *Mutation Research* 447 (2000) 3–13.

Ads for Life

By Brian J. Taylor

United Colors of Benetton—the company that has leveraged AIDS, racism, and other weighty issues to move merchandise—has now earned a lot of people's ire with their recent ad campaign featuring interviews with and pictures of death-row inmates. Sears, for example, pulled all brands owned by global parent company Benetton—including such disparate items as Rollerblades, Nordica ski boots, and Prince tennis rackets—in response to the advertisements.



Now the California Assembly is getting involved. Decrying the ads as "pathetic glamorization of heinous criminals," House Leader Scott Baugh (R-67th district) drafted a resolution in March urging all Golden State residents to boycott Benetton until they kill their current campaign. The bill passed 59–8.

While decidedly opposed to the death penalty, the campaign is slightly more nuanced than Baugh would lead us to suspect. Benetton's interviewer has written an accompanying essay, available at benetton.com/deathrow, in which he explains that he "fantasized about doing [the inmates] violence" because their crimes were so vile, and that he sometimes felt they "deserved to die."

So is the campaign a "sick" and "cynical" marketing ploy that glamorizes murderers, or, as Benetton claims, simply an "innovative mode of corporate communication"? Or both? Neither? Whatever it is, nothing the California Assembly does is likely to make the matter any clearer.

What Are They Smoking?

By Ryan H. Sager

The War on Drugs may soon become a war on words. No longer content simply to abuse the rights of drug users and dealers, Congress has set its sights on anyone offering information that might lead to drug use.

The Methamphetamine Anti-Proliferation Act passed the Senate with unanimous ▶

BRICKBATS

◆ The Selective Service system never seems to give up in its quest to punish men who don't want to kill others. Last year, it tried to convince the state of California not to award high school diplomas to young men who hadn't registered for the draft. That move failed. Now it wants the state to deny them their driver's licenses.

◆ In New York City, students who arrive late for school are being taken into custody by the police. Mayor Rudy "Arrest 'Em All And Let The Courts Sort 'Em Out" Giuliani says the cops are just enforcing truancy laws. But it isn't clear that kids who are going to school, albeit late, are truant.

◆ North Carolina's Piedmont High School had a cake left over from an ROTC booster club event, so a teacher let students have it. One student helpfully pulled out his pocket knife and cut the cake. He was then suspended for five days for having a weapon.

◆ In Malaysia, the government wants to include religion on national identity cards that everyone must carry. That way, it can stop Muslims from avoiding fasting during Ramadan by pretending to be non-Muslim.

—Charles Oliver

support in November. Along with provisions for new narcocops and stiffer sentences for meth cooks and distributors, the bill would make it illegal "to teach or demonstrate the manufacture of a controlled substance, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of a controlled substance."

This provision would only apply to information that a prosecutor could prove figured in a crime. Even so, the potential effects are chilling —who knows how a reader might use one's wares? —and a number of Web and book publishers have expressed deep concern over the bill's potential effects on free speech. As Mike Hoy, head of the radical publishing house Loompanics Unlimited, told *The Village Voice*, "If it passes, we would probably pull all of our drug books, since I am unwilling to spend several hundred thousand dollars that I don't have."

Rep. Chris Cannon (R-Utah), sponsor of the House bill, is optimistic about its chances of passing this year. The ACLU, however, plans to mount a challenge the first time anyone is prosecuted for disseminating drug-related information.

U.N. Trade Barrier

By Jesse Walker

This August marks the 10th anniversary of the Iraqi invasion of Kuwait, an incursion followed quickly by an international embargo against the invader. One war (and several mini-wars) later, the United Nations' sanctions are still in effect. Despite that, Saddam Hussein shows no sign of opening his country to full-fledged weapons inspection, and the Iraqi people show no signs of rising en masse against his dictatorship.

This does not, however, mean that the sanctions have had no effect. According to a UNICEF study released last year, Iraq's infant mortality rate, once among the world's lowest, has more than doubled since 1990. Hunger and disease are rampant. UNICEF reports that the embargo has killed about half a million Iraqi children under the age of 5.

Food and medicine are supposedly exempt from the embargo, but, as *The Economist* notes, "without export earnings, Iraq could not pay for imports, so the gesture was meaningless." An oil-for-food program, instituted to fix this problem, has been rendered next to useless by its cumbersome bureaucracy. As a result, Iraq's water is dirty, its electrical system is crippled, and its economy has effectively collapsed; crime is high, and jobs are scarce.

A series of officials have resigned from the UN's humanitarian assistance program in Iraq, arguing that the sanctions are killing innocent civilians and the "assistance" is doing little to help them. Such protests have not prompted any changes. In other words, Iraqi civilians are dying for the crimes of their government, while the United States continues to push for the harshest policies possible.

Unaccepted Masons

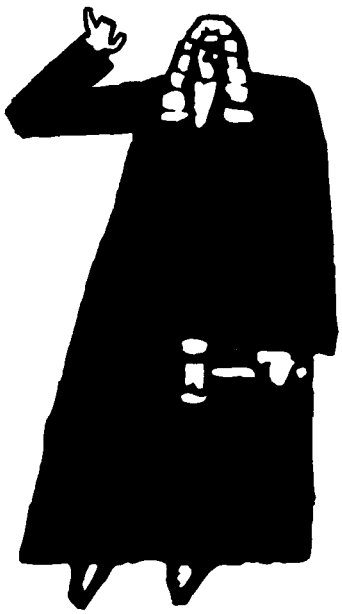
By Charles Paul Freund

Of all the daft ideas promoted by Tony Blair's Labour government in Britain, its recent pursuit of Masons among the police and in the nation's judiciary may be the most bizarre. Labour believes that Masonry may be corrupting justice: It fears that during judicial proceedings, judges, solicitors, and police are exchanging secret signals identifying themselves as lodge members. Because Masons take an oath to help one another, the theory goes, justice is trumped by furtive Brotherhood.

Although Britain's Masons deny that their activities are anything more than charitable fellowship, and although there are no known cases of Masonic judicial corruption, Labour is intent on its purge. It has set up a registry whereby policemen and others may voluntarily (for now) identify their lodge affiliation. That registry was supposed to become public in April. But at the last minute, the government decided to block public access to it.

Why? Ministers suddenly realized they had created an assumption of impropriety. Lord Millett, Britain's most senior Masonic judge, complained that defendants

were now demanding to know if the police or judges in their cases were Masons. A government official agreed that "It will not help if police are deterred from being open about their [Masonic] membership because they think it would be raised in trials."



The origin of this strange controversy lies in a pair of sensational "exposé" books published in the 1980s. *The Brotherhood* (1985), by Stephen Knight, portrayed Britain's Masons as pursuing a common—if never identified—secret agenda. Knight is otherwise best known for *Jack the Ripper: The Final Solution* (1976), which "revealed" the famous Victorian murder spree as—yes—a plot hatched by Masons.

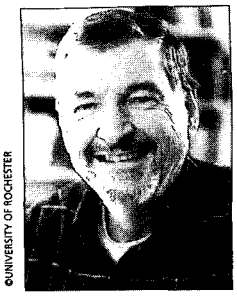
Knight died shortly after *The Brotherhood* was published (hmm...). The sequel, *Inside the Brotherhood* (1989), was written by Martin Short. Both books address the judiciary, suggesting that Masons help each other with their careers. Because the authors also run through the 200-year-old charges that Freemasonry may be a religion hostile to Christianity, they suggest that such lodge-related career networking is worrisome. Short's book is heavy on the religious angle, and sometimes reads as if it were written by the determinedly anti-Masonic Pope Leo XIII.

As Short admits, the importance of career networks is not otherwise unknown. In Britain, it takes the form of school, religious, class, and other ties that benefit Labourites as well as Tories. Meanwhile, a government spokesman promises that Blair's government is "not backing away from the need to establish just how widespread Masonic activity is within" the police. ◆

SOUNDBITE

Image Problems

By Nick Gillespie



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Everyone knows that legendary impresario P.T. Barnum coined the saying, "There's a sucker born every minute." Well, not exactly. In *Capitalism, Democracy, and Ralph's Pretty Good Grocery* (Princeton University Press), John Mueller points out not only that Barnum never uttered such a phrase, but that it would have been seriously out of character if he had. Despite a few high-profile "humbugs" early in Barnum's career, notes Mueller, a political scientist at the University of Rochester, the showman actually made his fortune "by providing a good, honest show that people appreciated and were quite happy to patronize year after year."

Mueller's revisionist view of Barnum exemplifies the considerable appeal of *Capitalism, Democracy, and Ralph's Pretty Good Grocery*, which explores the peculiar "image problems" of democracy and free-market capitalism. "Capitalism," writes Mueller "is much better than its image, while democracy has turned out to be much worse than its image." Often witty and always interesting, Mueller's recent book is a captivating inquiry into the "significant, and often detrimental, consequences" of such fundamental misperceptions. Editor-in-Chief Nick Gillespie recently spoke with Mueller via phone.

Q: Capitalism—market-based exchange—has generally increased standards of living. So why do people dislike it so much?

A: There's been several millennia of hostility directed toward capitalism—by intellectuals, the church, and others. It's almost a built-in assumption that capitalism is filled with lying and deceiving and fraud. And some capitalists have actually lived that way. It can also be a fairly grubby sort of existence, very methodical and mundane. As such, it goes against many of the more classical virtues of martial heroism and the like. From an intellectual standpoint, what businesspeople do isn't very theoretically exciting or enlightening. The idea of sitting around coffeehouses thinking of Great Ideas is much more appealing.

Q: Why does democracy get such a good rap?

A: I'm not sure it does. Rather, people continue to expect too much of it. They really expect something that has basically never happened in history. Large numbers of people have never participated in politics, and it's never really been the case that most people know what's going on. It's a contest among special interests that is never really resolved. I'm all for encouraging more people to vote, but the book argues that democracy will never be something in which everyone will participate and in which everyone will have equal influence. That's simply impossible.

Q: Do you think people are waking up to the idea that the images of democracy and capitalism are off-base?

A: I don't know if the images are changing all that much. I do think the idea of getting rich is generally being accepted as an important thing, which is good; if people are concerned with their material well-being, they're less likely to start wars, for instance. As for democracy, all you hear about are the evils of special interests, how we have to restrict them, and how not enough people participate. But I don't hear anyone saying that special interests are us—that special interests are what democracy is all about.

Aging Radicals

In which our man in Washington witnesses a book heist and takes in a discussion of bra burning.

By Michael W. Lynch

Subj: My Dinner with David
Date: 4/10/2000 1:13:23 PM
From: mwlynch@reason.com

As I approached the bar in the ballroom at the Washington Court Hotel, a slick D.C. type, a white guy in an expensive suit, was chatting with the bartender, holding forth on the evils of Census 2000. "I'm an Asian Caucasian," he said, holding out his arm so as to expose his delicate skin. The black bartender smiled. There's a chance he enjoyed the conversation, but I doubt it. More likely, he's an employee compelled to countenance such conversation on pain of keeping his job. I ordered Perrier. The bartender asked if I wanted lime. "That's what I call Mexican style," said Slick, who probably wonders why blacks don't embrace Republicans like himself in greater numbers. I thanked the bartender—not knowing how to apologize—and left them to continue their conversation.

The $500-a-plate spectacle at hand: "An Evening with David Horowitz." Yes, *that* David Horowitz, the left-wing nut turned right-wing nut and, among other things, president of the Center for the Study of Popular Culture. Among the known faces in the crowd: Sen. Sam Brownback (R-Kan.) and Reps. Asa Hutchinson (R-Ark.), Lindsey Graham (R-S.C.), Robin Hayes (R-N.C.), and Bob Barr (R-Ga.). I dined with Reps. Sue Kelley (R-N.Y.), Hillary Clinton's representative, and Edward Royce (R-Ca.), an Ayn Rand enthusiast. Reps. J.D. Hayworth (R-Ariz.) and Dana Rohrabacher (R-Calif.) shared master of ceremonies duties. Pennsylvania's junior GOP senator, Rick Santorum, made brief remarks. "Thank you, David, for being on the front line and in the trenches," he gushed, uttering the first and second of the evening's many war metaphors.

However, it was the Keystone State's senior senator, Arlen Specter, who turned out to be the evening's highlight. As I sat down to hydrate and fuel up on bite-size quiches, asparagus wrapped in high-end ham, and lox wrapped around cream cheese—I wanted to take an edge off before the steak-and-lobster dinner—Specter entered the ballroom. After talking with Horowitz just long enough for an in-house television cameraman to capture it, Specter headed straight for the exit, pausing only to inspect and walk off with one of the gift bags pre-set on the dinner table chairs. Specter's haul for less than five minutes of presence included two Horowitz books, *Radical Son* and *The Politics of Bad Faith*, and an oversized button with Horowitz's face on it. I felt bad for some members of Specter's family and B-list friends. Clearly, we know what gifts they're getting for their next birthdays. (I felt especially bad for whoever gets stuck with the button.) I followed the senator out, figuring that he'd stop at the lobby bar to grab a handful of cigars or maybe swipe some old lady's purse.

Given Specter's shenanigans, Horowitz's talk was an anti-climax. He refers to his former life as a Marxist agitator as often as John McCain refers to his life as a P.O.W., and it gets about as tiring. "If only my communist mother could see me now," Horowitz mused, opening a sprawling, Castro-like speech—it would outlast the cheesecake dessert—that suggests he hasn't purged himself of all leftist tendencies. The quip on the former Marxist is that he's changed his ideology but not his methods, an image he doesn't try to dispel. "I find myself in the odd position of telling Republicans they need to be more totalitarian," he said at one point. His big idea is for the Federal Emergency Management Agency to take over our schools, or at least to declare them a disaster. Then, he said, Republicans should come in and propose a $150 billion federal program—a Marshall Plan for the schools!—to fix them. That's the sort of advice $500 buys you in this town.

Subj: Macho Feminism, Bra Burning & the Life of Hillary Clinton
Date: 4/10/2000 4:30:27 PM
From: mwlynch@reason.com

"I don't know what all this bullshit about gender and macho feminism is about," said feminist matriarch Betty Friedan.

Friedan was responding to assertions by Christina Hoff Sommers, author of *Who Stole Feminism?*, and longtime anti-feminist Phyllis Schlafly. The topic was "Hillary Rodham Clinton as Feminist Heroine" and the venue was a day-long conference sponsored by *The American Enterprise* magazine and Horowitz's Center for the Study of Popular Culture.

Sommers had labeled Hillary a "gender feminist," one who would feel at home among angry academic feminists. Schlafly, sporting her signature

HENRY PAYNE

beehive coif that has somehow managed to withstand decades of female advancement, declared Hillary a bore, causing someone to stomp out of the room in protest. Schlafly ended by declaring Hillary a "macho feminist," just like Thelma and Louise. Macho feminists don't just complain about men, explained Schlafly; they'd rather kill themselves than listen to one.

"I don't go for this bullshit about gender feminism or macho feminism," retorted Friedan. Then the *Feminine Mystique* author ran off on a tangent about America's need for universal daycare for 6-month-olds. She also addressed bra burning, attempting to put that hotly contested issue to bed for good. "I've been there since the beginning of American feminism [and] nobody ever burned a bra. I would have known about it." That's not to say she's pro-bra. The bra-less style, insisted Friedan, "certainly didn't make women less sexy. Probably more sexy, to let it all hang out," she said. For all the things she touched on, Friedan somehow forgot to mention the First Lady at all.

That would change in the Q&A. "I'm just sitting here losing my mind, as I have been all day," observed a women attendee, who'd earlier declared Hillary a Maoist. Friedan had been talking about "society" without defining it. "For me, [society] is family and children," she said. "You're suggesting that if we don't rip them out of the womb we should stick them in a state-run farm."

Oxygen suddenly became scarce.

"I have nothing to do with late-term abortion," Friedan shot back. "What I am saying is that there is no one model for the family."

A columnist from the Web site Newsmax.com asked Friedan about Juanita Broaddrick. "As far as I'm concerned the Clintons have given a good role model to the country of a marriage of equals," replied Friedan.

By now, the room was buzzing and tense. Panelist Karen Burstein, a former New York judge who had earlier declared Hillary her hero, said she didn't find Broaddrick's allegation credible. "If I thought that this man was a rapist, I would want to put him in jail."

"Who's Juanita Broaddrick? I've never heard of her," said a confused Friedan.

"It's the woman Bill Clinton raped," replied a woman in the front row.

"He raped her in the White House?" said an incredulous Friedan.

"I've been there since the beginning of American feminism and nobody ever burned a bra," retorted Betty Friedan.

Somebody pointed out that we live in different worlds. Finally, a comment that made sense.

Subj: AOL's change of heart
Date: 4/20/2000 4:29:11 PM
From: mwlynch@reason.com

Just returned from a tasty lunch and panel discussion. The topic was "open access," the issue of whether Internet Service Providers such as America Online should get free roam of cable lines the way they currently do with telephone lines. Prior to the big AOL–Time Warner merger announced earlier this year, AOL had been in the vanguard of those demanding access to cable lines, even (and perhaps especially) those owned by AT&T, which currently has an exclusive deal with its own Internet service, Excite@home.

AOL, largely through the actions of George Vradenburg, the company's in-house high-dollar fixer, has spent the past year and a half begging various government bodies—the Federal Communications Commission, Congress, even city councils—to condition AT&T's merger with MediaOne on its providing AOL access to AT&T's high-speed lines.

Had Vradenburg's views spontaneously "evolved" once AOL announced its purchase of Time Warner, which just happens to be the second-biggest cable provider in the U.S. of A.? Inquiring minds wanted to know and a representative from Disney asked Vradenburg whether he still thought government at the federal and local level had the authority to condition cable company mergers on the granting of open access.

"Certainly at the federal level there's not much question," the silver-haired, pink-faced Vradenburg responded in a silky-smooth baritone. Then, assuming the posture of a disinterested bystander, he opined that the courts will decide at the local level.

"My question is, What's your company's view on that local authority?" interrupted the dude from Disney.

"It's not a view one way or the other," responded Vradenburg, who blathered on until interrupted a third time.

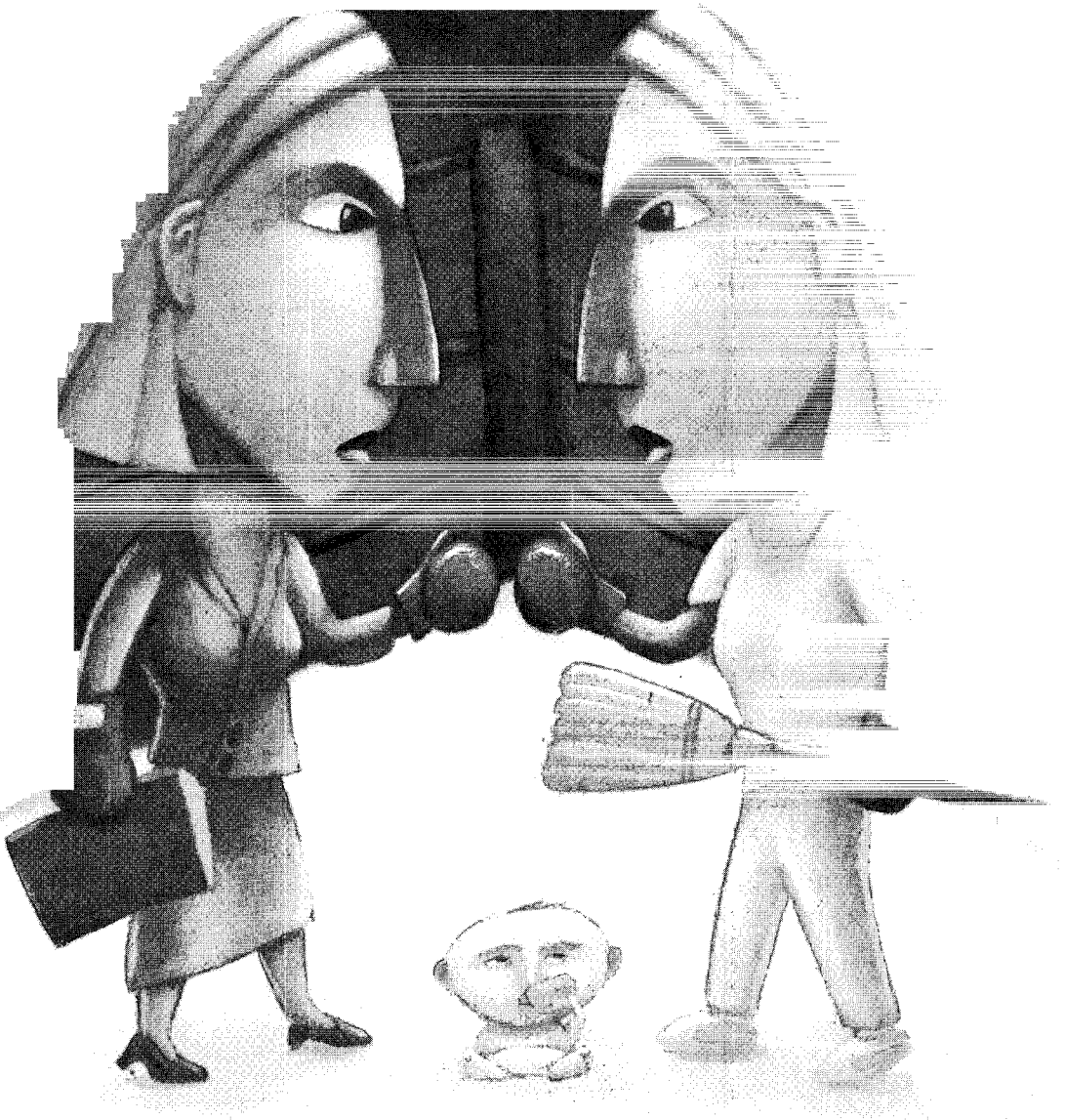
"Does that mean you don't have a position?" asked Disney Man.

The world of power-brokering is a cozy community, and Vradenburg knew his heckler. "My argument, Preston, is that it's not just the local authority. If you want to achieve choice in your communities, you should allow us to proceed as we are, and allow the cable industry to, to, to, to roll out the open-access model." Translation: Leave us alone.

The FCC's Robert Pepper, the panel's moderator, stopped smirking and stepped in to wrap things up. "What I'm hearing today is very different from what I heard six months ago, let alone a year ago," said Pepper. "The question, George, that I *want* to ask you is: Should we condition your merger approval on open access?"

Such directness is not considered polite in this town—we'd all just enjoyed a splendid lunch, why ruin it? So Pepper quickly added, "Don't worry, I *won't* ask you." Vradenburg shrugged and the room erupted in laughter.

Read Michael W. Lynch's "The Battle After Seattle," a special Capital Letter available online at www.reason.com/bi/lynch4-16.html.



The Mommy Wars

Why feminists and conservatives just don't get modern motherhood.

If there is a "Mommy War" going on between mothers who go to work and mothers who stay home, Debra Cermele Ross isn't sure on which side she belongs. Ross, 30, is founder and president of Axton Enterprises, a company that provides technology consulting services to mail-order businesses. She became a first-time mother last September. She is her family's primary breadwinner, yet she doesn't think of herself as "working outside the home." Ross' office is attached to her house in Rochester, New York. For part of the day, a nanny comes in to care for her daughter Madison and for Alex, the 18-month-old son of her business partner Carole Ann Price; but except for occasional day trips on business, Ross is never far away.

ILLUSTRATIONS: TREVOR HOWARD

By Cathy Young

Many conservatives hesitate to declare categorically that mothers should not work. But the right's defense of the choice to stay home often morphs into an indictment of mothers who don't make that choice.

"I'm amazed that it is still usually presented as this dichotomy—working-outside-the-home mothers vs. stay-at-home mothers," says Ross. Yet in the public debate, the dichotomy lives on, and so does polarization along familiar political lines.

About a year ago, when the journal *Developmental Psychology* published a study concluding that children do not suffer when their mothers work, virtually everyone followed the usual "Mommy Wars" script. Liberal newspapers like *The Washington Post* and *The Boston Globe* put the story on their front pages, under such headlines as "Mothers' Employment Works for Children" and "Study Supports Working Moms." Then, conservatives rushed in to attack the good news. Some argued that the study's validity was compromised by a skewed sample with a disproportionate number of young, low-income single mothers. But the conservative reaction went beyond a methodological critique.

Psychologist Diane Fisher, a board member of the right-of-center Independent Women's Forum, suggested that the positive headlines were dangerous and could have a "life-changing impact" on young children, presumably by encouraging their mothers to stampede to the office. Syndicated columnist Tony Snow accused the press of "dissing at-home moms" while giving selfish yuppie parents carte blanche to "stash their kids in day-care centers ...the way one might board a poodle."

In mainstream liberal opinion, support for full-time mothering is usually equated with naive nostalgia, while working mothers are often portrayed as victims of sexism, culturally imposed guilt, and benighted public policies. Most champions of working women—from the National Organization for Women to Hillary Rodham Clinton to columnist Ellen Goodman—share the assumption that for women to balance careers and motherhood, "society" (read: "government") will have to help out. In a way, their approach hasn't evolved much since Simone de Beauvoir curtly stated in *The Second Sex* (1948) that in a "properly organized society...children would be largely taken in charge by the community," freeing women from domestic bondage.

The views expressed at a recent New York conference on work and family life, held by the Cornell University Institute on Women and Work, were typical of this liberal feminist consensus. Women's movement matriarch Betty Friedan spoke in favor of "compulsory preschool" for 2-year-olds and deplored the lack of an organized political push for national daycare. (She even suggested that feminists should have demanded an executive order creating such a program from Clinton, in exchange for their loyalty during the presidential sex scandals.) Virtually everyone on the panel shared Friedan's impatience with most Americans' stubborn insistence on treating work-family issues as "personal issues," along with her conviction that women's struggle for equality would not be complete until these misguided attitudes changed.

If feminists go back and forth between depicting working mothers as heroines and as victims, conservatives go back and forth between depicting them as victims forced into the labor force by feminist bullying and high taxes, and as villains who put their personal fulfillment above their children's well-being. In a 1995 op-ed in *The Wall Street Journal*, Arizona assistant attorney general Andrew Peyton Thomas castigated career-minded parents who put their children in daycare. Thomas called them "more respectable, less violent versions of Susan Smith," the North Carolina woman who drowned her two sons in a lake because they were interfering with her post-divorce love life.

Perhaps out of deference to contemporary reality, many conservatives hesitate to declare categorically that mothers should not work. Instead, they say that a career should be a matter of free choice, that full-time mothering should be respected and supported through tax cuts, or maybe taxpayer subsidies. But the right's defense of the choice to stay home often morphs into an indictment of mothers who don't make that choice.

Conservative pundit Danielle Crittenden, author of the 1999 book *What Our Mothers Didn't Tell Us*, sometimes protests that she does not condemn working mothers but sympathizes with their plight. At other times, however, she takes nasty swipes at women she judges to be in default of their maternal duties, such as Massachusetts Lt. Gov. Jane Swift, who ran for office while expecting her first baby. In 1998, Crittenden subjected the pro–working mother book, *A Mother's Place*, by journalist Susan Chira, to a startlingly *ad feminam* thrashing in *National Review*. Her critique boiled down to the charge that Chira was a bad mother who devoted too much time to work: "As I closed this book, I thought of all the months Miss Chira took to write it—months of shutting her door and steeling herself against her children's yearning to be with her." This took some chutzpah, considering that Crittenden, like Chira a mother of two young children, had herself just completed a book.

Of course, concerns about whether the children of dual-career parents receive enough care and attention are not necessarily reactionary. But it's hard not to suspect that some of the anti–working mother rhetoric on the right has less to do with concern about children than with paranoia about

the abolition of "natural distinctions" between the sexes—as evidenced by a vitriolic reaction to parental role reversals. In a 1999 column in the Canadian daily *The National Post*, Crittenden winces at the unmanliness of fathers she watches at a playground fussing over young children and cooing at them in "unnaturally high" voices; she laments that she cannot imagine these New Dads in the role of warrior and suggests that their wives must be secretly yearning for real men. (She does not, however, go as far as Norman Podhoretz, who once opined that "Mr. Moms" were no better than men who deserted their children.)

Thus, both conservatives and liberals ultimately believe that women's and men's personal choices about work and family are secondary to a greater public good—either achieving gender equity or preserving traditional sexual arrangements.

Just how relevant are these debates to most Americans? While surveys show that many people are ambivalent about mothers with young children entering the labor force, respect for individual choices generally seems to win out. In a 1995 Virginia Slims poll, just one in six women and one in five men were willing to express disapproval of mothers working while raising children; one in three explicitly approved, and the rest said that whatever the mother wanted to do was right.

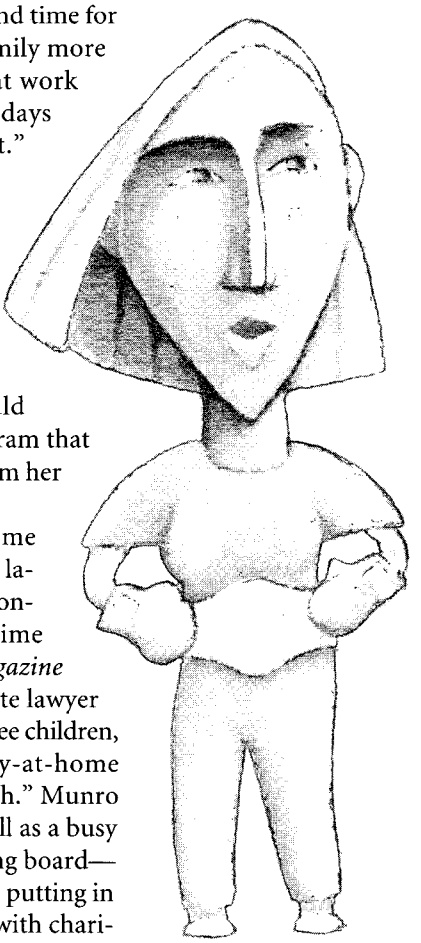
The idea that mothers today have been deprived of the choice to stay home is ridiculous: Slightly more than a third of women with preschool children are not employed and fewer than half work full-time. Undoubtedly, some working mothers can't afford to stay home and would like to quit their jobs. But the conservative notion of working mothers as victims is greatly exaggerated. In a 1997 Pew Research Center poll, only one in four mothers with children under 18 said that given a choice, they wouldn't work outside the home; 29 percent would work full-time and the rest part-time. The majority of full-time mothers and full-time workers alike chose part-time work as their first preference. Other surveys have found that both mothers and fathers would like to reduce the time they spend on the job, generally by the same number of hours.

What's more, like Debra Ross, the Rochester business owner, many women find that the working-mother-vs.-at-home-mother divide does not accurately describe their lives. A few years ago in a *Washington Post Magazine* article on the Mommy Wars, writer Tracy Thompson noted that while all the women in her support group for new mothers would call themselves stay-at-home moms, six of the eight were working from home as free-lancers or telecommuters. Ross believes that in just the past few years, there has been a dramatic shift in attitudes toward home-based work.

"Six years ago," Ross recalls, "I went to some lengths to conceal the fact that I operate the business out of my home. Now, our clients are enthusiastic, not to say envious, over the way we've constructed the business and the childcare arrangements. More than a few have told us that we've been inspirational for them as they strive to integrate work and family life. We're even seeing more and more of them working from home themselves."

Part-time arrangements are also becoming more common, even in professions where anything less than a 60-hour week was once frowned upon. Jennifer Braceras, a 32-year-old attorney with a major law firm in Boston, has been working a three-day week ever since her older daughter was born two years ago. (In February, she went on maternity leave, on generous terms provided by the firm, after having her second child.) While part-time work is theoretically viewed by the firm as a transition back to full-time work, there is no rigid timetable: Braceras plans to stay on a reduced workload until the children are in college.

"I knew that I didn't want to work full-time after I had children," she says. "For me, the ideal balance was always to have a professional life and time for my children. I need to be with my family more than I'm at work, and this way I'm at work three days a week and at home four days a week, so I'm comfortable with that." Braceras is also comfortable with the knowledge that she is unlikely to become a partner in her law firm. Would any government program have enabled her to achieve parity with colleagues, male and female, who are not on the "mommy track"? No, says Braceras, because she would never have availed herself of any program that would have allowed her to be away from her children more.



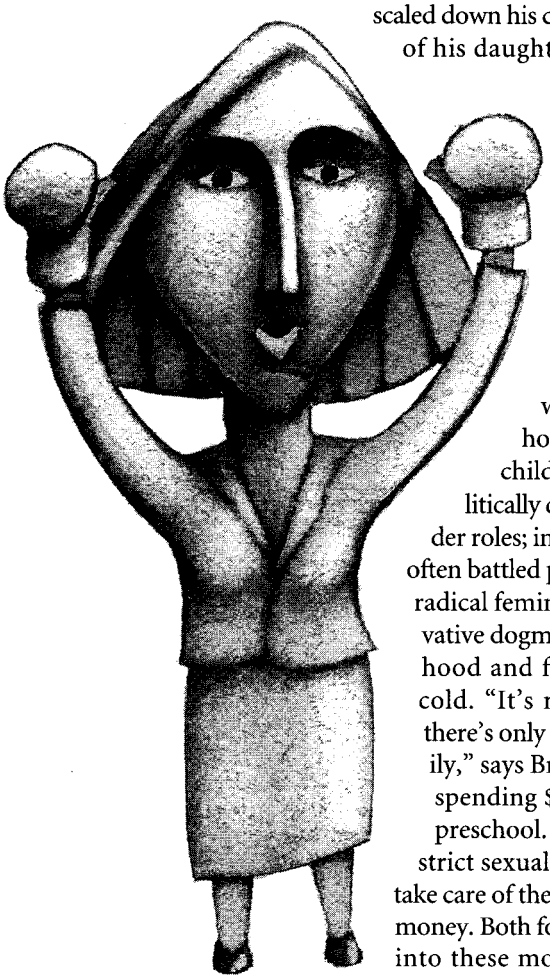
To complicate things further, some mothers who are nominally not in the labor force may be giving more time to non-domestic pursuits than some part-time workers. A 1998 *New York Times Magazine* profile of Elizabeth Munro, a corporate lawyer who had given up her career to raise three children, pointed out that "the '90s-style stay-at-home mother is not even home all that much." Munro was a dedicated amateur athlete as well as a busy volunteer serving on the town planning board—at one time, she had chaired the board, putting in 15 to 20 hours a week—and working with chari-

table and educational organizations. Not surprisingly, she had paid childcare help.

Men's lives are changing too. Both feminists and conservatives are inclined to dismiss the New Dad as a creature of wishful thinking, but father care is hardly fictional or marginal. According to the Census Bureau, nearly one in four fathers in two-earner families provide childcare while the mother is at work, and nearly one in five are the primary caregivers (which adds up to about 2 million men). With nearly one in three working wives now outearning their husbands, more couples who believe that one parent should remain at home may decide that it should be the father. True "full-time dads" are still rare, and they still labor under a cloud of suspicion that they are slackers; but quite a few fathers avail themselves of broader opportunities to work from home.

One of them is Debra Ross' husband David, a mathematician working in the research department of Eastman Kodak Co., who switched to part-time, home-based work after their daughter was born. Ross stresses that he does not simply "help out" with the baby but is "a full partner" in child-rearing.

Brian Carnell, 31, a freelance writer and Web site designer who also works in data processing for Western Michigan University, has consciously scaled down his career ambitions since the birth of his daughter Emma, now 3, and made family his top priority. His 29-year-old wife Lisa is completing her master's degree in medieval history at WMU, where she also has a half-time secretarial job and team-teaches a course.



One of Carnell's chief goals at present, he says, is to work out an arrangement that would allow him more time at home when they have their next child. This is not part of some politically correct effort to transcend gender roles; in fact, both Brian and Lisa have often battled political correctness, including radical feminism, on campus. But conservative dogma about the nature of motherhood and fatherhood also leaves them cold. "It's really the same argument—there's only one proper way to have a family," says Brian Carnell. "For Al Gore it's spending $5 billion a year on universal preschool. For many conservatives, it's a strict sexual separation of labor: Women take care of the kids, men go out and earn the money. Both forget that few people fit strictly into these molds. I know that if Lisa had stayed home with Emma and I tried to go out and be the traditional breadwinner, the result would have been a disaster. Families really aren't one-size-fits-all."

Biological differences between the sexes may be real enough to ensure that there are always going to be more women who put hands-on child rearing ahead of career ambition (and more men who see breadwinning as the key part of their parental responsibility). But, given individual variability among men and women, it is likely that the proportion of men taking the "daddy track" will rise—and that the marketplace will adjust to this change, just as it has adapted to the presence of working mothers.

Is there any evidence that dual-earner families are bad for children? On the whole, no. A mother's employment, for instance, does not seem to reduce the time school-age children spend interacting with parents, in part because these children get more attention from their fathers. In a large study of 10- to 13-year-olds published in *Child Development* in 1994, parents in two-income households actually spent *more* time doing homework with their children. The same year, the Child Trends research group issued a report showing that mothers who work (especially part-time) are more likely than full-time homemakers to volunteer at their children's schools, attend Parent-Teacher Association meetings, and go to class plays or varsity games.

Whether preschool children are at a disadvantage when both parents work remains a hotly contested question in social science as well as public-policy debates, with charges of political bias flying back and forth. There is no question that feminists, childcare advocates, and their supporters in the media are much too quick to seize on any data that can be reported under a headline like "The Kids Are All Right"—such as the *Developmental Psychology* study mentioned above, or an earlier major study by the National Institute of Child Health and Human Development (NICHD), which received the same enthusiastic treatment on the front pages of *The New York Times* and *The Washington Post.* Even in these studies, there is evidence that children who spend a lot of time in daycare in their first year of life have somewhat worse relationships with their mothers—at least if the mother had not been very warm and responsive to begin with.

The daycare cheerleaders are also prone to ignore other research that shows a slight but consistent increase in psychological and behavioral problems among children who were in non-

maternal care as infants.

But critics are just as likely to err on the side of alarmism and ignore the good news: for instance, that children's cognitive and emotional development is far more affected by the home environment than by daycare. Clearly, what such findings suggest is not that "parents don't matter"—the message conservatives often impute to any report giving non-parental childcare a clean bill of health—but that even when parents aren't there all the time, they still matter a great deal. And, as will often happen, neither side is above playing fast and loose with facts and figures.

Consider the reaction to the *Developmental Psychology* study that was so widely hailed as an antidote to working-mother guilt. Conservatives correctly cautioned that there were serious problems with applying this study's conclusions to the general population: the data, collected by University of Massachusetts (Amherst) psychologist Elizabeth Harvey, came from the National Longitudinal Survey of Youth (NLSY), which included a large sample of younger-than-average mothers—disproportionately likely to be unmarried, uneducated, and poor.

In a column for *Investor's Business Daily*, Diane Fisher, the IWF-affiliated psychologist, suggested that maternal employment might have positive effects for children in such circumstances, while married, middle-income mothers would probably do their children more good by staying home. Yet other NLSY-based reports, published in the *Journal of Family Issues* in 1993 and 1995 by North Carolina State University sociologist Theodore Greenstein, show that middle-class children are *less* likely to suffer when their mothers work. Greenstein found that, except in the lowest-income groups, children of continuously employed mothers had the fewest behavioral problems—and children of women with good occupational prospects tended to fare worse, socially and academically, if their mothers dropped out of the workforce for an extended period of time.

Ironically, some conservatives have also invoked equally flawed data to make the case *against* working mothers. In one such diatribe in *National Review*, Maggie Gallagher cited a 1991 study by Jay Belsky and David Eggebeen that found that 3- and 4-year-olds were more disobedient if their mothers had worked full-time in their first two years. Apart from the fact—unmentioned by Gallagher—that the difference was very slight, the sample in that study was actually less representative than in Harvey's: Nearly two-thirds of the mothers had given birth before the age of 22, and fewer than one in seven had ever attended college.

In other instances, both critics and defenders of working mothers have used the same weak or misreported research to bolster their views. One notorious example is the overhyped doctrine, persuasively debunked in John Bruer's recent book *The Myth of the First Three Years*, that if a child doesn't get the right kind of mental stimulation before the age of 3, the neural "circuitry" of the brain will fail to develop properly and forever remain impaired. (Crucial brain development does occur in the first three years, but it takes very severe deprivation to stunt normal growth.) Of course, the First Three Years theory was picked up by some—including Hillary Clinton—to argue that the federal government must promote "quality" childcare, and by others to argue that mothers must stay home and devote themselves to tending their children's brains.

Indeed, the lack of "quality" daycare is another pseudo-fact bandied about by both sides. Susan Chira, Hillary Clinton, and other advocates of more government involvement in childcare wring their hands over studies supposedly showing that 80 percent of daycare in the U.S. is woefully inadequate (while simultaneously insisting that children in daycare are doing fine). Gallagher and other champions of full-time motherhood predictably use this as proof that daycare is hazardous to children. But such traditionalists forget to mention that the same research gives the lowest marks to childcare by relatives—the kind that conservatives generally find the least objectionable, and that most parents prefer—and the highest to government-regulated centers.

No one trusts mother and father to know best. Liberals think parents don't understand what's good for their kids. Conservatives think working parents are deluding themselves to alleviate guilt.

Is this research accurate? Actually, the studies in question, by the Families and Work Institute and by scholars at the University of Colorado, suffer from the familiar problem of demographically unrepresentative sampling. Most of the relatives and unregulated home-based care providers were poor; nearly half had never earned a high school diploma. It's hardly surprising that the environment they created for their little charges did not meet the standards of child development experts; the children's parents probably wouldn't have fared much better. (Whether the negative assessments reflect middle-class bias or actual bad childcare—or both—is another question.)

On the other hand, when the NICHD looked at a more typical population, it came up with far more positive results: 70 percent to 80 percent of 6-month-olds with working mothers were receiving good or excellent care, and less than five percent were in low-quality daycare. Moreover, care by fathers and grandparents was found to be best, fol-

lowed by home-based childcare—while daycare centers came in last.

In her 1997 Cato Institute paper "The Advancing Nanny State: Why the Government Should Stay Out of Childcare," Darcy Olsen, now director of education and child policy at Cato, debunks the notion of a childcare crisis in America. Her well-documented conclusions belie panic-mongering left and right. While Hillary Clinton laments in *It Takes a Village* that our childcare system "looks more like a patchwork quilt than a security blanket," Olsen argues that a heterogeneous childcare market works well, "reflecting the diversity of its buyers." While Danielle Crittenden warns in a 1997 *Weekly Standard* article that "in the debate over national childcare, the advocates of an expanded government role are tapping into a pulsing vein of parental dread and dissatisfaction," Olsen shows that about nine out of 10 working parents are satisfied with their childcare arrangements.

The clear-cut preference of most working parents for childcare by relatives or in family-like settings is routinely ignored or disparaged by daycare advocates. Conservatives occasionally bring up this fact when they criticize liberal schemes for universal daycare—but somehow forget all about it when they lament that, with so many mothers in the workforce, children are being "warehoused" with uncaring strangers.

No one trusts mother and father to know best. Liberals think parents just don't know enough to understand what's good for their kids. (As Hillary Clinton once put it, "A lot of times they don't know what is quality.") Conservatives think parents are deluding themselves to alleviate their guilt—or, worse yet, that they just don't care enough.

Of course, studies and statistics cannot and do not capture the reality of what happens between parents and children. The reality, as Brian Carnell, the freelance writer and Web designer, recognizes, is that one size does not fit all. Some children have probably benefitted from having a mother at home, while others thrive in dual-career families. Certainly, neglected children whose parents are too busy with their careers are hardly a myth. Such parents deserve to be stigmatized, though some pro–working mother commentators are reluctant to do so. (In *A Mother's Place*, Susan Chira claims that a woman she knows, who gets home from work just in time to chat with her daughter for about half an hour as the child is drifting off to sleep, still manages to be a wonderful mother.)

But most working mothers and many fathers make plenty of compromises and accommodations to ensure that their children get enough attention and affection. The problem is an either/or mentality, such as radio psychologist Laura Schlessinger growling at a mother-to-be who plans to work from home, "Why don't you just get a pet?" The real issue is not exactly, "Should a mother work or not?" says Debra Ross. It's "What is successful childrearing?"

The habit of treating work and motherhood as an either/or proposition shows up even among conservatives who seem to know better. In her 1997 book *The Assault on Parenthood*, Dana Mack writes that what she calls New Familism is found less in a return to full-time mothering than in "increasingly inventive ways parents combine work and parenting"—such as telecommuting and tag-team arrangements between fathers and mothers working different shifts. Elsewhere in the book, however, Mack champions the ideal of full-time motherhood, insists on the necessity of sex-based parental roles, and even chides policy analyst William Galston, who is by Mack's admission "a notable defender of the family." Galston's heresy? Taking the view that a modern family policy "must accommodate the 'right' of women to participate in the workforce."

There is nothing new about the involvement of mothers in market labor, or about extensive nonparental childcare. In agricultural societies, women were always engaged in economically vital work, with childcare spread among the extended family (the "village" of the African proverb that Hillary Clinton redefines to include social workers and federal bureaucrats). As late as 1920, report Steven Mintz and Susan Kellogg in *Domestic Revolutions: A Social History of American Family Life* (1989), the typical farm wife put in workdays of up to 11 hours, not counting childcare. In the cities, the wives of shopkeepers and artisans were once partners in the family business. Large numbers of working-class mothers worked outside the home, often raising the children of the middle- and upper-classes. Even women who had the means to devote themselves to motherhood resorted to childcare arrangements that would make child psychologists weep. In 18th-century England, the future novelist Jane Austen and her seven siblings—children of an Oxford-educated country vicar—were placed in the care of a peasant family as infants, and remained there until they were about 3 years old.

Obviously, just because certain practices were common in the past doesn't mean they are good. In *Enemies of Eros* (1989), Maggie Gallagher asserts

that before the modern emphasis on the mother-child bond, childhood was a dreary, brutal experience. While she probably overstates the horrors, it is a valid point. On the other hand, it may be no accident that the modern preoccupation with family "dysfunction" and with the psychic injuries parents inflict on children—a trend Mack deplores in *The Assault on Parenthood*—started when intense parental attachment became the primary vocation of wives and mothers. What's more, even as the equality of the sexes was gaining wider acceptance, women's loss of their role as producers may have diminished their status, as some authors have argued. The more work came to be seen as the fulfillment of human potential, the more participation in the marketplace came to be seen as liberating for women; such attitudes were already on the rise when Betty Friedan published *The Feminine Mystique* in 1963.

Proponents of stay-at-home motherhood such as Danielle Crittenden often deride the idea of jobs as "fulfilling," pointing out that few women (or men) have interesting, meaningful jobs; that women lawyers, for example, are vastly outnumbered by bookkeepers and receptionists. It goes without saying that such occupational distinctions are highly arguable. But there's no question that this attitude is as elitist as the feminist tendency to project the values and motives of upper-middle-class professional women onto all women. In fact, about two-thirds of working mothers in various studies say they enjoy their work. "Women who worked long hours for minimum wage...took pride in their ability to hold down a job," writes researcher Beverly Burris in *Social Science Quarterly.*

In her *Washington Post Magazine* story about mothers and work, Tracy Thompson tells the story of Ana Kinney, a hairdresser, the mother of two young children, and a reluctant primary breadwinner since her husband's business venture had folded. Kinney was very upset about spending too little time at home when her younger daughter was born; yet she was not longing simply to go back to the nest. When asked what her ideal life would be like, she had a ready answer: working at the hair salon a couple of days a week and running a bridal consulting business from home. The working-class daughter of Cuban immigrants and a woman unlikely to be swayed by political correctness, she nonetheless told Thompson that she couldn't imagine home and motherhood as a full-time job.

Both feminists and conservatives believe—obviously, from very different perspectives—that the large-scale entry of women into the marketplace inevitably leads to pressures for expanded government services. But despite the rhetoric of politicians, there has been little such pressure at the grass roots, to the chagrin of the Hillary Clintons and the Betty Friedans. Instead of demanding government-run daycare, many working parents are circumventing the government altogether by relying on unlicensed caregivers, or even knowingly placing children with home-care providers who violate certain regulations (such as limits on the number of children who can be in the home at one time) but whom they personally trust.

Notably, too, family-friendly workplaces in America are not being created by government fiat but by companies anxious to retain good workers —and, rather embarrassingly for progressives, the resistance to these policies often comes from labor unions. Dana Friedman, a senior advisor with Bright Horizons, a company that provides worksite childcare and corporate consulting on family issues, says that non-unionized workplaces tend to offer far more "work-life benefits," such as flextime and telecommuting opportunities, than unionized ones.

Of course, any policy changes that would let families keep more of their earnings would help parents, though it's unlikely that such steps would entice many women to go home. (The Reagan tax cuts in the 1980s had precisely the opposite effect, by spurring job growth and reducing marginal tax rates on two-income couples.) So would policies promoting real flexibility in the workplace, such as Republican-backed legislation that would allow employees to trade extra overtime pay for extra time off—an arrangement forbidden under current federal law. Though the Republicans are clearly more at home with a family model based on *Leave It to Beaver*, such measures are clearly based on the understanding that combining work and child rearing is part of the new reality.

Full-time child rearing, whether for short or extended periods, will always remain an option—though perhaps a less gender-specific one. But what is far more important is that a more dynamic and flexible marketplace will continue to create new choices for both men and women, often blurring the lines between work and home. In a generation or two, most people may find the polarization between "working moms" and "stay-at-home moms" as meaningless as such young entrepreneurs as Debra Ross do now. ◆

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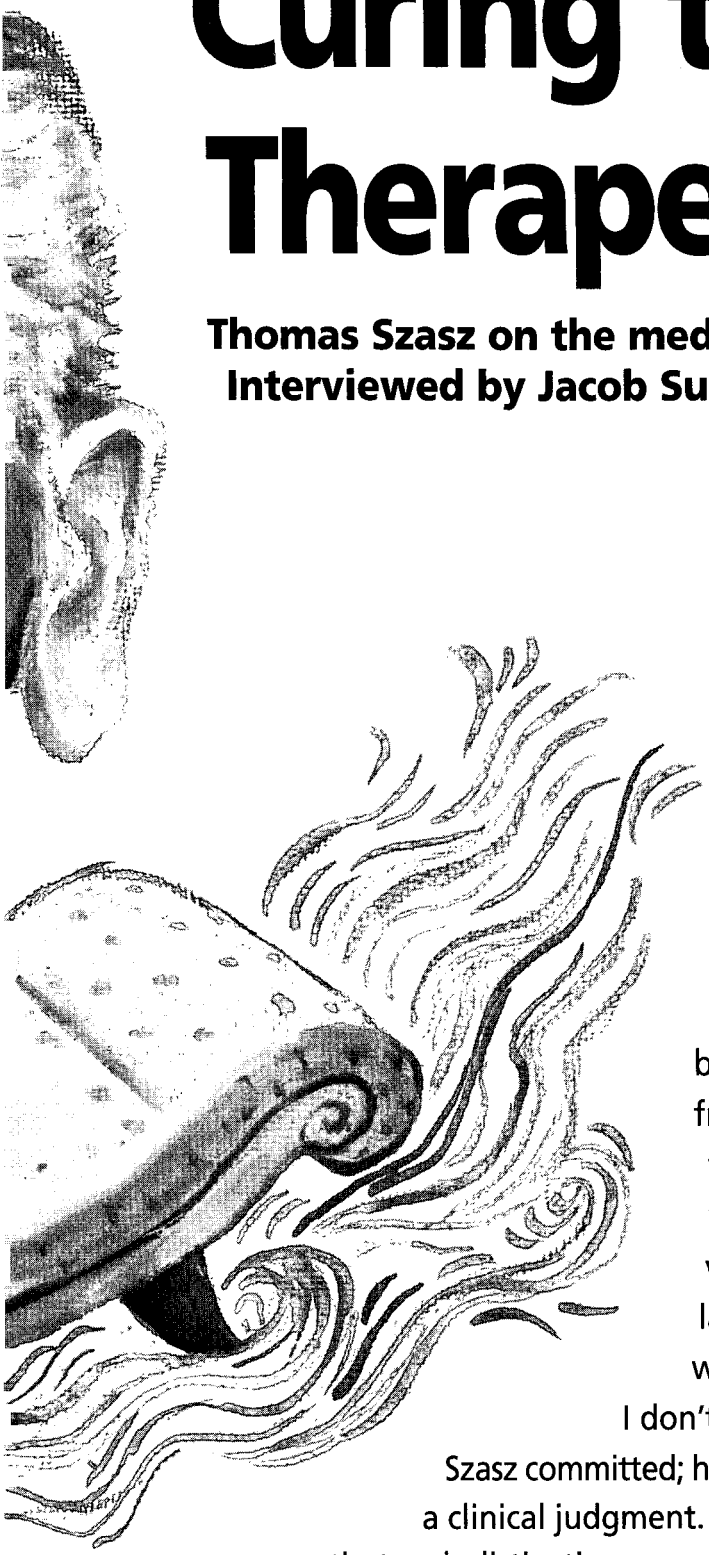
Any policy changes that would let families keep more of their earnings would help parents. So would policies promoting real flexibility in the workplace.

GALIA LERECH

Curing the Therapeutic State

Thomas Szasz on the medicalization of American life

Interviewed by Jacob Sullum



Simply having one of Thomas Szasz's books on your shelf can lead to an argument. Explaining his most familiar contention—that there is, strictly speaking, no such thing as "mental illness"—almost invariably does. And the very mention of his name has been known to provoke a heated response from certain people. I once asked a psychiatrist I knew if he was familiar with Szasz's work. "Oh, he's *crazy*!" he exclaimed, inadvertently illustrating Szasz's point that such labels are often used to stigmatize people who offend or disturb us.

I don't think this psychiatrist was ready to have Szasz committed; he was expressing an intellectual rather than a clinical judgment. But Szasz's critique of psychiatry suggests that such distinctions are ultimately arbitrary. A psychiatrist could, if

he were so inclined, diagnose as mentally ill someone with whose worldview he disagreed—which is essentially what it means to say that a person is "suffering from delusions." If the psychiatrist could make a case that the "patient" might harm himself or others (a prediction that many psychiatrists privately concede they are ill-equipped to make), he could have him confined and forcibly "treated."

In Szasz's view, this should not be possible. For decades, what he calls his "passion against coercion" has driven him to denounce involuntary mental hospitalization, while his insistence on individual responsibility has made him a dedicated opponent of the insanity defense. If someone commits a crime, Szasz says, he should be punished, not "treated." But if he has not violated anyone's rights, he should be left alone, no matter how bizarre his behavior.

As unpopular as such ideas are now, they were even more heretical when Szasz started to express them in the late 1950s. Born in Budapest in 1920, he immigrated to the United States in 1938 and attended the University of Cincinnati, where he majored in physics as an undergraduate and earned an M.D. in 1944. After a residency in psychiatry, he underwent psychoanalytic training at the Chicago Institute for Psychoanalysis, where he remained as a staff member for five years. In 1956 he took a position as a professor of psychiatry at the State University of New York in Syracuse, where he is now a professor emeritus. Shortly thereafter, he began to publish articles that questioned the basic premises of his profession, work that would lead to his classic *The Myth of Mental Illness* in 1961.

"I became interested in writing this book approximately ten years ago," he wrote in the preface, "when I became increasingly impressed by the vague, capricious, and generally unsatisfactory character of the widely used concept of mental illness and its corollaries, diagnosis, prognosis, and treatment. It seemed to me that although the notion of mental illness made good *historical* sense—stemming as it does from the historical identity of medicine and psychiatry—it made no *rational* sense." Szasz's bold attack on a concept that most people took for granted (and still do), bolstered by the efforts of civil libertarians and other social critics, encouraged skepticism about the justification for coercive psychiatry. That uneasiness led to legal reforms in the 1960s and '70s that made it harder to lock up people deemed to be crazy.

"Mental illness is a myth whose function is to disguise and thus render more palatable the bitter pill of moral conflicts in human relations," Szasz wrote in "The Myth of Mental Illness," a paper that appeared in *American Psychologist* the year before his book of the same name was published. "In asserting that there is no such thing as mental illness, I do not deny that people have problems coping with life and each other." Likewise, Szasz has never denied that organic conditions—say, Alzheimer's disease or untreated syphilis—can have an impact on thought and behavior. But he insists on evidence of an underlying physical defect, and he emphasizes that behavior itself is never a disease. "Classifying thoughts, feelings, and behaviors as diseases is a logical and semantic error, like classifying the whale as a fish," he writes on his Web site (www.szasz.com).

This error has serious consequences, Szasz argues: "The classification of (mis)behavior as illness provides an ideological justification for state-sponsored social control." As he put it in his 1990 book *The Untamed Tongue*, "What people nowadays call mental illness, especially in a legal context, is not a fact, but a strategy; not a condition, but a policy; in short it is not a disease that the alleged patient has, but a decision which those who call him mentally ill make about how to act toward him, whether he likes it or not."

The collaboration between government and psychiatry results in what Szasz calls the "therapeutic state," a system in which disapproved thoughts, emotions, and actions are repressed ("cured") through pseudomedical interventions. Thus illegal drug use, smoking, overeating, gambling, shoplifting, sexual promiscuity, pederasty, rambunctiousness, shyness, anxiety, unhappiness, racial bigotry, unconventional religious beliefs, and suicide are all considered diseases or symptoms of diseases—things that happen to people against their will. Szasz believes this sort of thinking undermines individual responsibility and invites coercive paternalism. A prime example is drug prohibition, an area where his work—especially his penetrating 1974 polemic *Ceremonial Chemistry: The Ritual Persecution of Drugs, Addicts, and Pushers*—has had an important influence.

As Szasz marks his 80th birthday this year, the misuse of the medical model and the literalization of the disease metaphor are rampant. But skeptical voices, often those of Szasz admirers, can be heard on issues such as criminal responsibility, the nature of addiction, and the reality of the mental disorder du jour. Szasz himself continues to drive home the dangers of surrendering our autonomy to physicians acting as agents of the state. Last year he published *Fatal Freedom: The Ethics and Politics of Suicide* (Praeger), in which he warns that "relying on physicians to prevent suicide, prescribe suicide, and provide suicide...is an evasion fatal to freedom." When I interviewed him by telephone in February, he was completing a book on the evolution of the therapeutic state. After that, he said, he'd like to write "a history of psychiatric misdeeds, from its beginning to the present."

Szasz, a REASON contributing editor whose work has also appeared in publications ranging from *The Lancet* to *Playboy*, has produced some 700 articles and two dozen books, including *Law, Liberty, and Psychiatry* (1963), *The Ethics of Psychoanalysis* (1965), *The Manufacture of Madness* (1970), *The Myth of Psychotherapy* (1976), *The Therapeutic State* (1984), and *Our Right to Drugs* (1992). Asked if he was working on a new book, he said, "What else can I do?" Asked if he had plans for another one after that, he said, "Always."

Reason: You've said that true brain diseases are the province of neurologists, not psychiatrists. I gather that what people call mental illness, which you understand as problems in living,

would be something for psychotherapists to handle. Do psychiatrists have any legitimate role as physicians who specialize in psychological problems?

Thomas Szasz: That entirely depends on what sort of arrangement society allows and the economic system permits. There is no reason why physicians should be prevented from talking to people.

Reason: Do you see any benefit from having an M.D. in doing that sort of work?

Szasz: Yes, but not as a requirement. There are two aspects of life without which it's very difficult to [manage], and those are medicine and law. Knowing how the body works is beneficial for anyone. That could help you as a therapist because there are all kinds of personal complaints, and people who come to you may very well also be sick. [A knowledge of medicine] helps you in the same sense that it helps if you are familiar with law, because people are entangled in all kinds of legal problems too.

Reason: How would you describe your approach to therapy?

Szasz: I see psychoanalysis as a contractual conversation about a person's problems and how to resolve them. I tried to avoid the idea, which seemed to be particularly pernicious, that the therapist knows more about the patient than the patient himself. That seems to me so offensive. How can you know more about a person after seeing him a few hours, a few days, or even a few months, than he knows about himself? He has known himself a lot longer!

To me the whole idea of calling it "therapy" is crippling. So there was a kind of understanding between the other person and me that we were having a conversation about what he could do with his life. That obviously involves adopting different tenets of sorts—different ways of relating to his wife, his children, his job. The premise was that the only person who could change the person was the person himself. My role was as a catalyst. You are making suggestions and exploring alternatives—helping the person change himself. The idea that the person remains entirely in charge of himself is a fundamental premise.

Reason: You were trained as a psychoanalyst. How have your views on Freud's theories changed over the years?

Szasz: Freud had a very good idea which was very quickly abused. Bertrand Russell said that Christianity is a wonderful idea—it's too bad it's never been tried. That is my view of psychoanalysis. Freud had a wonderful idea, namely, that he was going to have a completely private, confidential, one-to-one conversation with another human being about his or her life. There's no coercion. It's entirely contractual. The patient pays. But as soon as he developed this, he sacrificed it by betraying confidentiality, by creating training analysis, by creating child analysis, and so on. It immediately became a thing where the premise was that the therapist knows more about the patient than the patient himself. There was a kind of manipulation, exploitation involved.

My feeling all along was that there was something wrong with the authoritarian, top-down stance. At the same time, I was very much impressed that this was a radical departure from "psychiatry," which was based entirely on an involuntary relationship. Traditionally, there is no such thing as a voluntary psychiatric patient. That's an oxymoron. If you are crazy, then you are locked up in a state hospital. So Freud's great departure was that, within medicine, you could go and talk about your problems and not be considered crazy, not be locked up.

"[Most 'harm reduction' strategies] strengthen the establishment which is causing the problem. I am bitterly opposed to all of these autocratic medicalizations. All of these glorify the punitive state and the punitive doctor and debase the citizen for exercising his free choice. It's as simple as that."

Reason: In the 1960s people like R.D. Laing and Michel Foucault agreed with you that psychiatry was a form of social control, a way of stigmatizing and punishing unwanted behavior in the guise of therapy. Both of them identified themselves as men of the left, whereas you allied yourself with classical liberalism. What would you say are the basic differences between their views on psychiatry and yours, and how are those related to political ideology?

Szasz: Although we agreed on the criticism of traditional psychiatry, they somehow never made it clear that bodily diseases—pneumonia, cancer, and so on—are real, but mental diseases are metaphoric diseases, in the sense of a "sick" joke. They are problems, but they are not medical problems in that they do not involve somatic, organic etiologies and are not amenable to a somatic, organic resolution. They are essentially conflicts within oneself and conflicts between oneself and other people. So that would be the first distinction.

Secondly, Laing in particular was completely inattentive to the legal aspects, so he never really distinguished between involuntary and voluntary psychiatry. Here my classical liberal convictions are crucial, in that I firmly believe that there should be no interference in voluntary relationships between psychiatrists and patients. If the patient wants a drug, fine. If the patient wants electric shock, fine. If the patient wants a lobotomy, fine. Now that doesn't mean that I like it, any more than I would if the patient wants to have an abortion just because it's inconvenient to have a baby. I don't think that's a good idea either. But I don't think the law should interfere with it.

By contrast, with involuntary psychiatry, under no circumstances do I consider it permissible. Neither Laing nor Foucault made this clear. They offered a kind of a blanket condemnation of psychiatry which smacked of a socialist, left-wing in-

dictment of capitalism. [In their view,] the whole thing is no good. Of course, in some ways the whole thing is no good, in that it's misconceptualized, but so is religion if you don't believe in religion. Yet you don't want to forbid it or interfere with it.

Reason: Since *The Myth of Mental Illness* appeared, it seems that more and more areas of life have been medicalized. But at the same time it seems that people are more willing to question the authority of psychiatrists and of physicians in general. On balance, do you think psychiatrists and physicians have more or less power than they used to?

Szasz: I think they have much, much more power, but it has become increasingly covert and subtle. If you focus on psychiatrists per se, then perhaps they have a little less power, but the power has been diffused among "mental health professionals": school psychologists, grief counselors, drug treatment specialists, and so on. It pervades society. Sixty years ago, when I went to medical school, this kind of activity was limited entirely to psychiatrists.

So traditional psychiatrists may have less power. They certainly don't have the feudal slave estates of the old state hospitals, where the patients were washing their cars. That's gone. On the other hand, there is a Tocquevillean kind of oppression—a softer kind of totalitarianism.

Reason: In some respects people do seem to be more skeptical than they used to be of psychiatry's attempts to medicalize behavior. Psychiatrists themselves often acknowledge that the *Diagnostic and Statistical Manual of Mental Disorders* is increasingly arbitrary and unscientific. It also seems that the use of the term *disorder*, as opposed to *disease* or *illness*, is designed to fudge the question of whether these conditions have a biological basis. Meanwhile, journalists are increasingly alert to controversies over what constitutes a bona fide disorder, as in the case of "multiple personality disorder," which has fallen into disrepute. Is this skepticism just temporary?

Szasz: Without seeming excessively pessimistic, my view is that this whole development subtly reinforces the basic error and the basic authority of psychiatry. People are saying that, of course, multiple personality disorder and social phobia are excesses, but schizophrenia, depression, and so on are real diseases and therefore justify involuntary hospitalization, outpatient commitment, wholesale drugging of children, of people in nursing homes, and so on.

I have always challenged the "psychoses." Why don't you have a right to say you are Jesus? And why isn't the proper response to that "congratulations"?

Reason: Since you criticized involuntary hospitalization in the '60s, legal reforms have changed the standards for locking people up. To what extent have those changes been in line with what you wanted to see?

Szasz: They have been diametrically opposite. This whole deinstitutionalization process was just as involuntary as the institutionalization process. First the patients were placed in the institutions against their will. Then they were kept there for a long time, and generally they became desocialized. They had no way of making a living, and their families didn't want them; they had no particular place to live. Instead of being allowed to stay in the hospital, which the majority of them probably considered their home, they were forcibly evicted and placed in other institutions run by the state but which are no longer called hospitals. So this is a huge deception. The number of people who are now maintained by the state as mental patients is probably no smaller than it used to be.

Reason: Where are they now?

Szasz: They're in so-called transitional living quarters, in group homes, in nursing homes, in prisons, on the street, maintained on Social Security. In the old days, you didn't get money for being schizophrenic. Now you get a lot of money for it. They are now maintained like pets rather than being locked up in a zoo.

Reason: The deinstitutionalization of mental patients has been criticized for putting helpless people, sometimes dangerous people, on the streets. How would you have handled it differently?

Szasz: There are two things that I would have done very differently, and they really have to do with my passion against coercion, especially unnecessary coercion and especially coercion outside of a due-process legal system. The first thing I would have done is to stop all further involuntary psychiatric interventions. This is unthinkable stuff, because this means stopping the fundamental social function of psychiatry, which is partly to relieve society, families, physicians of unwanted people and partly to "prevent suicide." "Dangerousness to self": This to me is the keystone in the Roman arch. Until it is knocked out, it's impossible to destroy the edifice. People should not be protected from themselves by involuntary psychiatric interventions. Psychiatrists should play no more of a role in this than priests do.

Reason: And after involuntary psychiatry was ended, people would have been free to leave mental hospitals, but they would not have been forced to leave?

Szasz: They would have been free to leave, and they would have been free to stay. They could have simply got room and board. That option was never given to anyone. I wouldn't give that to anyone except those who have already been victimized. They should be given every chance to get out insofar as they

"Traditional psychiatrists have less power. They certainly don't have the feudal slave estates of the old state hospitals, where the patients were washing their cars. That's gone. On the other hand, there is a Tocquevillean kind of oppression—a softer kind of totalitarianism."

want to get out.

By the way, this brings us back to the old, pre-war system, when there were as many as 15,000 patients in a single state hospital. Nothing was easier than escaping from these places; they were not surrounded by barbed wire. In fact, escape—"elopement"—was the standard way of being discharged from the hospital. The hospital didn't go after you. But the fact that most people didn't leave indicated that they had no place to go, and that in fact this place was not all that bad for them, especially before there was any treatment.

Reason: When a crime is committed by a homeless person who has been diagnosed as a schizophrenic, critics of deinstitutionalization say it's too hard nowadays to commit people to mental hospitals. They say the standard of dangerousness to yourself or others is too demanding. Are they right?

Szasz: No, they are not right. But this brings us back to what else I would have done: Not only would I have stopped on day one all further involuntary mental hospitalization—commitment—I also would have stopped on that same day the insanity defense. The psychiatrist simply would not be allowed in the court to give expert testimony, any more than a priest is allowed to give testimony about heaven or hell.

So I would have stopped both of these [commitment and the insanity defense], as a result of which, I think, 99 percent of the people who now commit crimes would be and should be in jail and punished, probably by long prison sentences. Because in every one of these cases we learn that the person who has committed the crime—let's say this fellow who pushed the woman under a subway train in New York—has a long record not only of mental hospitalization but of violence.

Typically, what people call severe mental illness begins with some sort of violence in the family: A 17- or 18- or 19-year-old boy attacks his mother with a kitchen knife. Well, he should go to jail for five years, right away. This is a potentially fatal attack on a person. But these things are usually swept under the rug via diagnosis. And then people wonder five years later what happened.

Reason: What about people who haven't actually committed violence but are simply behaving in a bizarre and perhaps threatening way? Last year I was walking with my wife and daughter in Manhattan, and we saw this guy in camouflage pants who was running down the street, holding a piece of concrete pipe over his head, pumping it up and down, and cursing at nobody in particular. What, if anything, can you do about someone like that?

Szasz: This is a political question: In a relatively open society, what kind of communication can people give off, both verbally and nonverbally? How many earrings can you have in your nose, on your ears, in your belly button? I think this is a question of social control; it has nothing to do with medicine, nothing to do with psychiatry except as social control. And I have no particular answer to this other than my own preferences. I don't like this any more than you do, and this is how people segregate themselves. I avoid places where people are like this. In a free society, I think that's how it would be. If a city allows enough of this, maybe people would avoid it and it would go into economic decline.

Reason: Alternatively, a disruptive person could be arrested for menacing people or for something like disturbing the peace?

Szasz: Or for disorderly conduct. Any of those things. The law is a disciplining agent. Just like with illegal parking. There are lots of things which are a relatively small nuisance for which people get disciplined.

Reason: Since you first called for abolishing the insanity defense, lawyers have become increasingly creative at devising excuses to absolve their clients of responsibility. Yet to judge by the kind of criticism and ridicule you hear from commentators, comedians, and people on the street, skepticism about such excuses also is increasing. Are people finally listening to your warnings?

Szasz: That's not for me to say, but my feeling is that the inconsistency does not impede the spread of this practice, as illustrated by the cases of John Hinckley and Ted Kaczynski. People were skeptical, but [the insanity defense] is so convenient that I know of no serious pundit—no George Will or William Safire—who denounces it as a general practice, on principle. They may say that in this particular case it's wrong to use it, but in general they think it's a fine thing.

The Kaczynski case was a wonderful example, where he was begging not to be called insane, and that was interpreted as being crazy! He refused to recognize his problem. Now he is petitioning to be retried, so he can be executed. But that's buried in the back pages. And of course that will be interpreted as further evidence that he's crazy—he wants to be killed.

Reason: The psychiatrist E. Fuller Torrey has written that "studies using techniques such as magnetic resonance imaging and positron emission tomography scans have proved that schizophrenia and manic depressive illness are physical disorders of the brain in exactly the same way as Parkinson's disease or multiple sclerosis." Is that true? If not, what do these studies actually show?

Szasz: Most educated people, if they think about it, know how real disease is diagnosed. Take anemia. If a person comes in and says he is tired, he has no energy, and he looks very pale, the physician may think he is anemic. But the diagnosis is not made until there is a finding in the laboratory that he has a diminished blood count, a diminished hemoglobin level. Conversely, a laboratory technician can blindly make a diagnosis of anemia simply on the basis of vials of blood submitted to him or her—without having any idea of whose blood it is. As soon as that can be done with schizophrenia, it will be a brain disease, exactly as neurosyphilis was recognized as a brain disease.

Reason: In other words, you would need to be able to look at the scan and say, "This is a schizophrenic."

Szasz: Or this is not a schizophrenic....My skepticism is infinitely high, because I actually lived through a time when a man got the Nobel Prize for discovering that excessively activated electrical circuits in the frontal lobe cause schizophrenia. The cure for that was lobotomy. Or consider electric shock treatment: The rationale was that epileptics don't get schizophrenia, which was complete nonsense. There has been a long series of claims like these.

And the idea of schizophrenia as a brain disease negates the justification for involuntary treatment. The diseases that Torrey mentions—Parkinson's, multiple sclerosis—can under no circumstances be legally treated without the consent of the patient. This is really just propaganda for coercion. It does not stand the least scrutiny. But you see, they don't have to be right; they have power.

Reason: Is it possible that some of the people who are now diagnosed as schizophrenics do in fact have some kind of neurological defect?

Szasz: Absolutely.

Reason: If that could be demonstrated, would it change your view of mental illness?

Szasz: No, because they would then simply have a disease with which they would have to live, just like Stephen Hawking has to live with amyotrophic lateral sclerosis. In other words, having a disease does not define everything that you do.

Reason: But people with certain kinds of brain diseases—Alzheimer's, for example—might reach a point where they're no longer able to take care of themselves, and they could legally be declared incompetent. Should that same sort of procedure be possible with some of the people now diagnosed as schizophrenics, if they do in fact have a brain disease?

Szasz: In principle, that should be possible, but the judgment of whether you can or cannot take care of yourself ought to be a common-sense, empirical one, not an esoteric, psychiatric one. Also, the old Roman principle of *cui bono* should be the guiding light. Charges of incompetence used to be brought by greedy children against their rich, elderly parents—especially if the father, say, wanted to marry a young woman. The charge is also brought after someone dies, to contest the person's last will. So here the issue of competence is really tied to the motives of the person who is raising the question.

Reason: You may have seen the TV commercials in which drug companies urge people suffering from "social anxiety disorder" or "generalized anxiety disorder" to ask their doctor for a certain brand of pill. These ads reinforce the idea that anxiety and other kinds of psychological problems are medical issues, and they highlight the physician's role as pharmacological gatekeeper. But they could also be seen as empowering individuals by encouraging them to be assertive with their doctors. On balance, do you see this kind of message as a positive or a negative development?

Szasz: This phenomenon illustrates what I call the creeping therapeutic state. I see it as insidious, especially given the cooperation between the government and the media. This is allowed on television. But advertising Scotch, a legal drink, is not allowed. This subtly undermines the rule of law, the principle that if something is legal, then it's legal, and if it's illegal, then it's illegal. A prescription drug is illegal; pharmacists cannot sell it to you unless you have a prescription. These are illegal drugs, but nobody calls them illegal drugs. So I see this as pernicious, as an example of what F.A. Hayek and Ludwig von Mises talked about—that the opposite of freedom is not brutal tyranny but capriciousness.

Reason: Suppose someone feels depressed, and he finds that when he takes Prozac he feels better. Or suppose he's anxious, and he finds that he calms down when he takes a Xanax. He can get these pills from his doctor. Is he doing anything wrong by taking these drugs?

Szasz: I don't think he's doing anything wrong, except I think he should be able to buy these drugs in the free market so he can compare them to opium, marijuana, or other drugs. There is no competition now between the prescription drugs and the traditional drugs which people took when they felt bad. After all, people have medicated themselves since time immemorial. I suspect that opium in small doses is safer over a long period of time than these complicated organic compounds.

Reason: In recent years, we're told, this country has been hit by an epidemic of "attention deficit hyperactivity disorder." What are the roots of this epidemic?

Szasz: I would first say that the epidemic doesn't exist. No one explains where this disease came from, why it didn't exist 50 years ago. No one is able to diagnose it with objective tests. It's diagnosed by a teacher complaining or a parent complaining. People are referring to the fact that they don't like misbehaving children, mainly boys, in the schools. The diagnosis helps tranquilize the parent, tranquilize the school system. It offers them the sense that they are doing something about the problem, that they are dealing with it in a rational, scientific way. It's a kind of pharmacological magic.

Reason: What do you think the consequences of prescribing Ritalin for all of these kids will be?

Szasz: We may not know all of the medical consequences for another 20 or 30 years. In social terms, it gives the impression to people that behavioral problems are medical and should be handled with drugs; it imposes a certain stigma on the child, possibly on the family. It medicalizes educational and child-rearing problems, and it may cause biological problems in the person taking the drug. I don't know if the average person on Main Street realizes that if a 30-year-old man has a pocketful of Ritalin, he can go to jail for years. This is called "speed." And this is what they give as a treatment to schoolchildren when there's absolutely no laboratory or medical evidence that they are sick.

Reason: Recently we've heard Tipper Gore and other people say that health insurers should be forced to cover mental health treatment on the same terms as medical treatment. What do you think the consequences of such "parity" will be?

Szasz: We are talking about a situation where the government is mandating that an ostensibly private insurance company provide coverage for a disease which doesn't exist. There is so much to say about it, I don't know where to begin. The people who clamor for this—mainly politicians and psychiatrists—want parity for mental illness, but they don't want parity for the mental patient, because ordinary patients can reject treatment.

They don't mean therapy; they mean getting a foot in the door for involuntarily treating people and having these huge bowls of money going into psychiatry and psychiatric drugs. Again, *cui bono*: Who profits from this? It finally came out that Eli Lilly is a big donor to the National Alliance for the Mentally Ill, and they have millions of dollars to propagandize their views. The critics don't have any money to propagandize their

views. This is a completely one-sided, government-sponsored movement.

Reason: Alan Leshner, the director of the National Institute on Drug Abuse, says "Drug addiction is a brain disease." Is there any scientific basis for that claim?

Szasz: As far as I know, there is not one iota of evidence for this. When people take drugs and get "hooked," this is simply another way of saying it becomes a habit, which makes the drug more difficult to abandon than if you haven't got the habit. But it's no different from speaking English or Hungarian. Any habit is difficult to change. And of course you can *also become* chemically habituated to drugs, so that you have withdrawal symptoms when you stop. Of course, taking a drug can make you sick, but a therapeutic drug can also make you sick. It's a question of dosage, what you take, and why you take it.

Reason: In the area of drug policy, you've criticized the idea of shifting from a criminal justice approach to a "medical" or "public health" model, which you say would only reinforce the therapeutic state. But if a drug offender who might otherwise go to jail can instead undergo "treatment"—which is now the case in Arizona, for example—isn't he better off, even if the treatment is bogus?

Szasz: He may be better off in the sense in which a Jew in 15th-century Spain may have been better off converting to Christianity than being tortured. But I reject the dilemma. One of these so-called treatment options may be less punitive for the subject. But the side effect is that it reinforces the legitimacy of this kind of medical autocracy.

Reason: Another reform pushed by advocates of a "public health" approach is needle exchange programs. What do you think of them?

Szasz: I am unqualifiedly opposed to this kind of piecemeal reform. I keep falling back on the slavery analogy. You cannot prettify the plantation. You either have slaves as a legal arrangement or you don't. Either you have access to empty syringes just like you have access to guns, or you don't have access.

Reason: A simple way of addressing that issue would be to make the needles available without prescription and to stop penalizing people for possessing them. That's not exactly a fundamental reform in terms of drug policy, but is that the kind of reform you could support?

Szasz: I think that would be fundamental, because the message it would send is that this is a problem only because the government has made it a problem. The American people don't realize that a very large proportion of the AIDS cases in America are government-manufactured, in the sense that the government has prohibited needles. People talk about iatrogenic—doctor-caused—diseases. People never talk about government-caused diseases. There is no Latin word for that.

Reason: Another so-called harm reduction reform is to make methadone more readily available to current opiate users or to make heroin available by prescription. Do either of those suggestions make any sense to you?

Szasz: They make a great deal of sense, in the sense that they strengthen the establishment which is causing the problem. I am bitterly opposed to all of these autocratic medicalizations. All of these glorify the punitive state and the punitive doctor and debase the citizen for exercising his free choice. It's as simple as that.

Reason: You take a similar view when it comes to medical marijuana, that it reinforces the therapeutic state, since the doctor gets to say whether you can have it or not. But from the point of view of somebody who is sick and who finds that marijuana relieves his pain, his nausea, or his muscle spasms, a measure like California's Proposition 215 means that he's less likely to be arrested and prosecuted. Isn't that an improvement?

Szasz: I see this as analogous to leaving Soviet Russia. You could appeal to Stalin and say, "My father is living in America, and he is 80 years old. Won't you let me out?" And then Stalin might say, "OK. I'll let you out, because that really would be a good thing for you, because of your father." The patient is getting a special exception from a general rule, which I find totally unacceptable.

Reason: The general rule or the exception?

Szasz: I find the general rule unacceptable, and the exception is simply doing one particular favor to one particular person or group of persons.

Reason: But the people to whom the exception applies are better off. Is equal enforcement of a bad law better than making exceptions?

Szasz: This is one of those classic problems where if you leave the bad law in place long enough, then maybe it will be repealed, whereas making exceptions prolongs its life expectancy. I am not opposed to being nice to particular groups of people as a humanitarian gesture, obviously. If somebody who is undergoing anti-cancer treatment has nausea and benefits from marijuana, it would be a nice thing for this person to have it. How can I be opposed to that? But that's like smuggling Jews out of Nazi Germany with the help of a Gestapo agent. Wouldn't it be better not to persecute them in the first place?

Reason: The question of whether people may use marijuana to treat various kinds of symptoms seems to be a small part of the drug policy debate. Yet the medical marijuana movement has drawn a very strong response from the federal

"I am unqualifiedly opposed to piecemeal reforms [such as needle exchange programs]. You cannot prettify the plantation. You either have slaves as a legal arrangement or you don't. Either you have access to empty syringes just like you have access to guns, or you don't."

government. Why do you think people like the drug czar, Barry McCaffrey, get so upset about attempts to legalize the medicinal use of marijuana? Does that reaction suggest that maybe the medical marijuana activists are on to something, that they've found an effective way of undermining prohibition?

Szasz: Probably the reason why the drug warriors are so upset is that they think this will have a kind of a domino effect, that we have to fight the enemy here; otherwise he is going to move somewhere else. I personally think that they are wrong. The drug warriors are the victims of their own ideology. They really believe their own propaganda. I don't think medical marijuana would particularly weaken them, any more than it weakens them that people can smoke cigarettes and relieve their anxiety that way. I think prohibition would be strengthened by making these exceptions. The rationale would be, "See, we leave these relatively harmless ones alone. But by golly, we have to really strike hard at the drug lords if we can find them."

Reason: People who support physician-assisted suicide claim that giving terminally ill patients a legal way to obtain lethal drugs will enhance their autonomy. You disagree.

Szasz: This is the same question as medical marijuana: Anything that people want is being made contingent on getting it from a doctor.

Reason: In *Fatal Freedom*, you say the debate over physician-assisted suicide ignores the roles of drug prohibition and psychiatric coercion. Why are those factors important?

Szasz: They are fundamental. First of all, if there were no drug laws, then they wouldn't need doctors to give suicidal people drugs to commit suicide with; after all, they don't give patients guns or ropes. Second, people seem oblivious to the fact that doctors—psychiatrists—are given the job both of preventing suicide and of providing suicide. To me these are symptoms of the galloping therapeutic state, where increasingly we are giving away our existential choices and responsibilities to doctors—and therefore to the state, because they're really not talking about doctors as healers; they're talking about doctors as agents of the state.

Reason: You say that the very term *physician-assisted suicide* is misleading. How so?

Szasz: "Physician-assisted suicide" can be one of two things. The physician can give the patient a drug—let's say a barbiturate—and then the patient takes the drug and dies. But that's simply suicide, a person killing himself. If you buy a rope in a store, you don't talk about "merchant-assisted suicide." On the other hand, what can also happen is that the physician helps a person to die—in effect, speeds his death or kills him. This is how many old people have died in the past and continue to die. They are going to live another few days or weeks; they are in heart failure and can't breathe. The physician gives them a little extra morphine, and they stop breathing. This is how Sigmund Freud died. But this is not suicide. As I emphasize in my book, it's rather significant that the physician-assisted suicide legislation in Oregon specifies that dying in this way is not suicide.

Reason: Looking back at your career, what do you see as your major contributions?

Szasz: It's really two very simple propositions: that there is no mental illness, and that if you are incarcerated in a mental hospital, you are in prison. You are not treated or cured.

Now as far as the greatest impact, there's no question that "the myth of mental illness" and the idea of the therapeutic state are terms and concepts that are widely copied, and often used in ways quite different than I have used them. There's a third idea that hasn't caught on quite as much, though I've seen it used in English publications: "pharmacracy," which I used in *Ceremonial Chemistry*. It refers to the substitution of medical controls for legal and religious controls. We are pharmacratizing everything, including the control of unruly children. Attention deficit disorder is a perfect example of pharmacratic control of a social problem: how to educate children.

Reason: You seem generally pessimistic. Can you cite any encouraging developments?

Szasz: I should correct that. Intellectually, I am very pessimistic, but temperamentally I am an optimistic person. I am pessimistic because I see the trend as a progressive evasion of personal responsibility.

Reason: But have you seen any encouraging developments since you first started talking about these issues?

Szasz: Yes. The encouraging development is essentially the uprising of the slaves, the increasing protestation by ex–mental patients, many of whom call themselves victims. Through all kinds of groups, they have a voice now which they didn't have before. We should hear from the slaves. Psychiatry has always been described from the point of view of the psychiatrist; now the oppressed, the victim, the patient also has a voice. This I think is a very positive development.

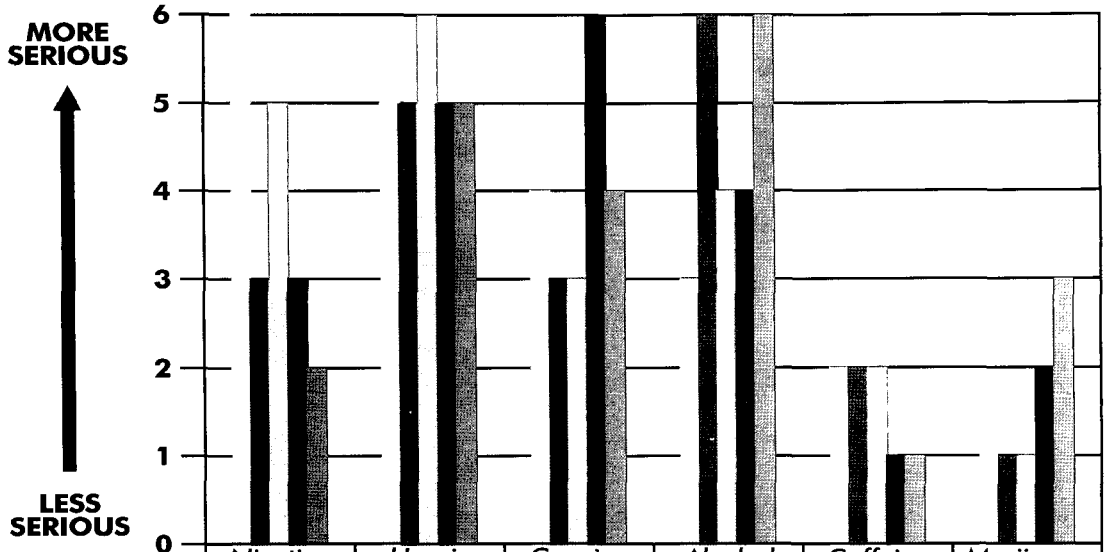
"The encouraging development is the increasing protestation by ex–mental patients. Psychiatry has always been described from the point of view of the psychiatrist; now the oppressed, the victim, the patient also has a voice. This I think is a very positive development."

More generally, I see the American political system as infinitely elastic and hopeful. And of course there's the Internet, which is a huge opening of information, giving people access to what the establishment doesn't want them to hear, not only politically but especially medically. I was quite intrigued to learn fairly recently that my Web site was blocked by filtering software at a library in Indiana. Why it was blocked, God only knows. But I was struck by the fact that someone was complaining about it. ◆

Do Our Drug Laws Focus on the Truly Dangerous Drugs?

Comparing Dangers of Popular Drugs

(Lower score indicates less serious effect)



	Nicotine	Heroin	Cocaine	Alcohol	Caffeine	Marijuana
DEPENDENCE	6	5	4	3	2	1
WITHDRAWAL	4	5	3	6	2	1
TOLERANCE	5	6	3	4	2	1
REINFORCEMENT	3	5	6	4	1	2
INTOXICATION	2	5	4	6	1	3

Source: Dr. Jack E. Henningfield, Ph.D. for NIDA. Reported by: Philip J. Hilts, *New York Times*, Aug. 2, 1994 *"Is Nicotine Addictive? It Depends on Whose Criteria You Use."*

Does Jailing Marijuana Users Make More Sense than Jailing Coffee Drinkers?

Common Sense for Drug Policy, Kevin B. Zeese, President
703-354-5694, 703-354-5695 (fax), info@csdp.org, www.csdp.org

Dependence: How difficult it is for the the user to quit, the relapse rate, the percentage of people who eventually become dependent, the rating users give their own need for the substance and the degree to which the substance will be used in the face of evidence that it causes harm.
Withdrawal: Presence and severity of characteristic withdrawal symptoms.
Tolerance: How much of the substance is needed to satisfy increasing cravings for it, and the level of stable need that is eventually reached.
Reinforcement: A measure of the substance's ability, in human and animal test, to get users to take it again and again, and in preference to other substances.
Intoxication: Though not usually counted as a measure of addiction in itself, the level of intoxication is associated with addiction and increases the personal and social damage a substance may do.

Reading Elian

By Charles Paul Freund

The camera doesn't lie. But it will confess to just about anything.

On the morning of April 22, Attorney General Janet Reno and other Justice Department officials woke to a very big problem: a series of seven pictures, snapped by Associated Press photographer Alan Diaz, of federal agents seizing the country's most celebrated 6-year-old, Elian Gonzalez. Television and the Internet displayed images of a terrified child confronted by a heavily armed, helmeted, goggled, body-armored commando whose weapon was clearly pointed in the boy's direction.

Behind this figure was a second commando, implying visually that a significant armed force had entered the home. (According to the home's residents, this second raider is aiming his weapon at a group of persons that includes a 5-year-old boy.) In two of the AP photos, the armed figure in the foreground is reaching for Elian as the boy recoils in horror. If that didn't look very good Saturday morning, it looked no better by Easter Sunday, when one or the other of the "reaching" images was on the world's front pages.

A plain reading of these images is that they reveal an extraordinary exertion of armed federal force in an otherwise peaceful domestic setting in which no one is offering resistance. Chris Matthews, the newspaper columnist and host of CNBC's political talk show, *Hardball*, suggested in an interview that the images lent credibility to those "black helicopter" conspiracists who are always warning of an imminent military crackdown. Early polls taken that weekend indicated that a plurality of Americans were troubled by the raid's brutality, as implied by the AP stills (and as fully illustrated by video footage taken outside the Miami site of the invasion).

Many people, in other words, understood the images as illustrating a disturbing level of federal force. Department of Justice officials immediately embarked on a remarkable campaign intended to change the meaning of those pictures. Rather than having the images perceived in *political* terms, a succession of federal spokespersons—foremost among them Reno herself—worked assiduously to turn the pictures into *moral* images. That is, they sought to have the photos illustrate not an invasion, but a res-

Is the gun pointed "away" or "close to being out of control"?

AP / WIDE WORLD PHOTO

cue; not an attack on the Miami family with whom Gonzalez was living, but an effort to reunite the boy with his Cuban father; not brute federal force at all, but federal compassion.

How can anyone change the meaning of a picture? The camera may not lie, but it will confess to just about anything. That is, the meaning of photographic images is remarkably elastic. Changing—even reversing—their apparent meaning by recontextualizing them has become a familiar process. It happens repeatedly in court; the Rodney King tape, in which a man being beaten by police was redefined as cops defending themselves from attack, is the most publicized such example. It happens often in news footage; "packed train" images from Kosovo last year were presented as pictures of genocide rather than of brutal expulsion. Indeed, some of the best-known pictures ever taken have been quietly recategorized as doubts about their content have grown: A world-famous Robert Capa image from the Spanish Civil War, known for decades as "Moment of Death," is now called simply "Man Falling." For all their apparent concreteness, photographs have a remarkable capacity to change before our eyes.

Janet Reno and her allies used a variety of approaches in their attempt to change the meaning of the raid imagery and mitigate its impact. In fact, they may have broken new strategic ground in this field. Here's a quick rundown of their major efforts.

"Imminent Danger"

The administration repeatedly justified the armed seizure of the boy on the grounds that he was in grave danger. Indeed, if one believed the government's claims, not a moment could be spared. Thus, the armed commando seen reaching for Elian was engaged in a courageous rescue of the boy from harm.

Was there evidence for this dramatic claim of danger? That depends on what the meaning of "evidence" is. What the government had was a letter to the Immigration and Naturalization Service written on April 18 by a New York pediatrician named Irwin Redlener. Dr. Redlener had watched a homemade video of Elian released by the Miami family earlier that week, and had concluded that the boy was "in a state of imminent danger to his physical and emotional

well-being in a home that I consider to be psychologically abusive."

Redlener had never visited the home, had never spoken to the boy, and knew nothing firsthand of Elian's physical or emotional well being. It is unlikely that any pediatrician who habitually relied on videotape alone for the purposes of diagnosis would be able to maintain his license to practice. In fact, doctors who had spent time with the boy in Miami had come to quite different conclusions; that the boy would suffer psychologically if he were returned to Cuba. But Redlener had one credential that the Miami doctors lacked: He had served on Hillary Clinton's task force during her ill-fated efforts to reform the nation's health care system. Noting the connection, the Association of American Physicians and Surgeons, an Arizona-based professional group, termed Redlener an "administration operative." (Another government doctor was later to suggest that the Miami relatives should receive counseling.)

Perhaps the government's use of Redlener's "diagnosis" should be understood as part of Elian Gonzalez's transition back to a Cuban environment (if that is what ultimately occurs); the perversion of therapeutics for political ends is, after all, a totalitarian tradition. In any event, there has been no further information about the supposed abuse of Elian by his Miami family since the raid, with a single bizarre exception. That was an early report that the boy might have developed a crush on his cousin Marisleysis, a story briefly floated as apparent evidence that the Miami environment was unhealthy. Mercifully, the government soon abandoned the absurd implication.

"The Gun Was Pointed to the Side"

It is arguable that the only time that Elian Gonzalez was ever in demonstrable danger while in the home of his Miami relatives was when that home was invaded by armed Border Control commandos. That is the source of the inherent drama in the famous pictures showing an MP-5 machine gun pointed toward him. Among Janet Reno's first comments in the wake of the raid was a denial of endangerment.

Reno insisted that the AP photos show that "the gun was pointed to the side," away from the boy, and that the commando's "finger was not on the trigger." But the terror-stricken child seems not to be aware of these details, and in fact they are entirely beside the point. In concentrating on trigger fingers, Reno is changing the focus of the images. In other words, she is engaging in misdirection.

An argument about the location of the trigger finger might be appropriate if the INS were being charged with intending to shoot the boy. But assassination is not the is-

Did the agents meet "aggressive, physical resistance" or was the violence "brought there by Janet Reno"?

AP / WIDE WORLD PHOTO

sue: extreme and reckless federal measures are.

A number of weapons and security experts have taken public issue with Reno's characterization of the raid imagery, and what it reveals about the handling of the gun. Among them is Stephen Hunter, a member of *The Washington Post* Style staff. Hunter is the author of a series of successful novels in which guns play a major role, and he is highly regarded for his technical expertise. ("Hunter must have been a gun in a former life" is a typical sample of the praise he has elicited from his gun-culture readers.) Here's what he wrote in the *Post* about the safety issues raised by the image.

"What struck me most about the photograph isn't the gun itself, but the way in which it's held. It's very close to being out of control. These are not one-handed weapons, and except for emergency circumstances, they are not even two-handed weapons. They recoil so persuasively they must be secured at three points: They must be moored against the shoulder or the center of the chest; the firing hand grips the pistol grip and controls the trigger; and, finally, the other hand must secure the muzzle via the foregrip or a front vertical grip. The officer doesn't even have the weapon secured against his shoulder, as police are taught to do." Although the INS claims that the gun's safety is on, Hunter states categorically, "It is also true from the photograph that the safety is off."

Hunter's reading of the dangers of the raid was supported by a number of security experts. "I think that the risk here was very, very high," Gary Stubblefield, a former Navy SEAL who is now a security consultant, told the *Boston Herald* on April 23. Tom Mann of Guardian International, a security firm, saw the raid the same way. "When the government is going to use that kind of force," he told the *Herald*, "usually it's when someone's life is in danger." According to Stubblefield, "You only use these kind of tactics to get the bad guy and save the good guy and there was no saving necessary here. The risk was almost unconscionable."

"Aggressive, Physical Resistance"

In the wake of the raid and the dissemination of the disturbing images of force, INS officials attempted to change the public perception of the pictures by shifting the point of view from which they should be seen. According to these officials, there was indeed violence at the scene of the raid, but it came from Elian's relatives and their supporters, not from the INS. Thus, though the images indicate that the gun-wielding Border Patrol commandos are in control of the situation and are terrifying the child, that is a misperception. Understood from the point of view of the commandos themselves, the images presumably reveal a group of dedicated public servants attempting to protect themselves from a level of resistance that they had never before faced.

Agents who invaded the Miami home filed post-action reports with their supervisors. These reports were described to the press a few days after the raid, and were reported in the *Orlando Sentinel* on April 26. According to those reports, the agents were "jostled, screamed at, and their orders disobeyed." As Maria Cardona of the INS characterized the gist of these reports to the press, "The agents met an aggressive, physical resistance." Indeed, one veteran INS agent reportedly told his supervisors, "I have never encountered this much resistance." Similarly, *The Washington Post* quoted James Goldman, who led the raid, as saying, "In 22 years in federal law enforcement, the intensity level, the effort to stop us, I've never seen anything like it before."

Reno insisted that the photos show that the commando's "finger was not on the trigger." In concentrating on trigger fingers, Reno is changing the focus of the images. She is engaging in misdirection.

Requests by the press to examine these reports were denied, but the only incident of "aggressive, physical resistance" attributed by Cardona to those inside the target house was an attempt to block the front door with a couch. All the other aggressive resistance cited occurred in the street, and included some persons linking arms in a human chain to prevent or slow the agents' entry. INS agent Betty Mills, who carried Elian Gonzalez to a waiting van, claimed to have been pushed into some bushes, but it is unclear from the video footage who—if anyone—pushed her; she may have been jostled accidentally by a fellow agent. Agents also claimed that allies of the Miami family threw objects at them, and in fact they can be seen doing so in the video footage as the INS agents are leaving the scene of the raid.

In attempting to portray the agents as the victims of unprecedented violent resistance, government officials were in effect "recasting" the drama implied by the photographs, and reassigning the motivation for the federal agents' behavior. The government was thus taking a page from the Rodney King defense. In the first trial of the police officers involved, defense attorneys persuaded a Simi Valley, California, jury that it was the pummeled King who was motivating the appalling action, because he continued to move while being beaten with batons. Had he only lain still, these lawyers

argued, the beating would have ended.

Jose Garcia Pedrosa, a lawyer for the Miami family, rejects the INS version of motivation. "Any violence that occurred at the house," he told the *Orlando Sentinel*, "was brought there by Janet Reno."

"Reno Allowed Photos"

On April 25, *The Washington Post* carried a remarkable story headlined "Reno Allowed Photos During Elian Siege." According to this account, which was attributed only to "sources," Reno "personally decided not to prevent photographers from taking pictures" of the raid. Reno, said these sources, was "seeking to avoid allegations of a government coverup" of the kind that has haunted her since the Branch Davidian siege ended in more than 80 deaths by burning seven years before. Indeed, she foresaw that Alan Diaz himself would be present inside the house and taking photographs, said the sources, but liberally decided not to have him ejected. Her reported openness was also motivated by the fact that both her parents were journalists, according to the account.

Thus, while the content of the Diaz photographs may be unattractive, the very existence of the pictures is a supposed tribute to the government's policy of honesty, and to Reno's commitment to democracy, the First Amendment, and freedom of the press.

"It was a gutsy decision," Carl Stern told the *Post*. Stern is a former reporter who was also a Reno spokesman early in the administration. Roger Pilon of the Cato Institute saw things differently. According to him, removing the AP photographer when he was already in the house "would have been even greater police-state measures."

Attempting to limit the impact of damaging images by taking credit for those images is unusual, and may in fact be unprecedented. If the military had thought of this stratagem during the Vietnam War, for example, it could have tried to mitigate the damage of all that embarrassing footage of soldiers setting fire to villages by claiming that such images represented the very freedom that the military was fighting for. Certainly the most striking element of the story is its implication that Reno deserves extra credit for "allowing" the news media to do their job.

In fact, the *Post* account was one of several narratives that encouraged the public to see the pictures from Reno's pained and empathetic point of view. In *The Miami Herald*, for instance, the attorney general is quoted as asking herself, "How would [Elian] feel, suddenly being put in the arms of a stranger? What would he think? How frightened would he be? And I kept thinking, I wish I could see him when his daddy gets on the plane." In an extraordinary bit of sharing, Deputy Attorney General Eric Holder informed the press that after Reno had ordered the raid to begin, "She put her head on my shoulder and wept."

The day after the *Post* printed the account of Reno's liberal press policies, Tony Zumbado was taken to the hospital. Who's he? He was the NBC cameraman on location the night of the raid, and the designated broadcast and cable pool cameraman. He and his soundman were alerted to the approach of the INS raiders moments before their arrival. Zumbado told *The New York Times* what happened when he attempted to cover the raid from inside the home. "We got Maced, we got kicked, we got roughed up."

NBC reporter Kerry Sanders, who was also outside the Gonzalez house on the night of the raid, described what happened to the right-wing Web site Newsmax.com, which has published the most detailed account.

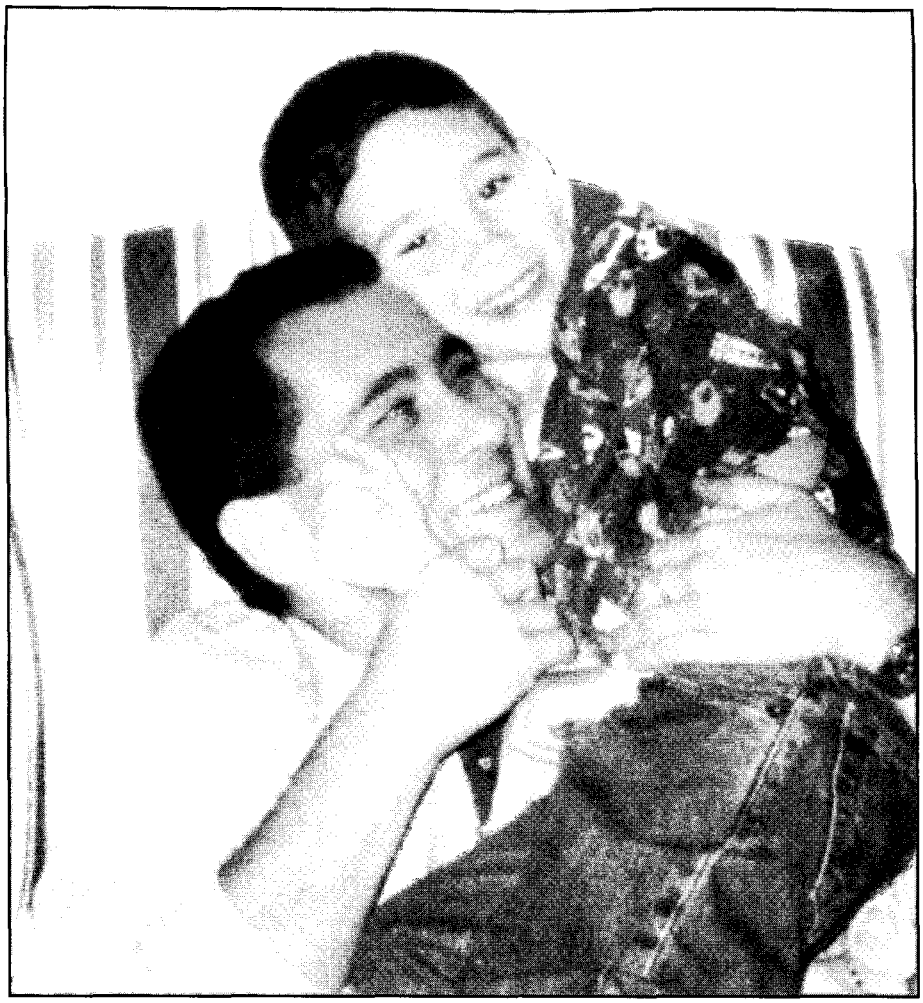
According to Sanders, Zumbado encountered INS agents already in the house when he entered. Zumbado's soundman, still outside, was hit in the head with a rifle butt and fell to the ground bleeding. Zumbado, the camera perched on his shoulder, fell backward when someone yanked the heavy video and audio cables that were attached to it.

"At that point," says Sanders, "somebody smacks him in the stomach. Tony is hit in the stomach and goes down. And then the agent puts his foot on Tony's back and puts a gun to him and says, 'Don't move or I'll shoot.'

The AP photographs may be unattractive, but their very existence is supposed to be a tribute to Reno's commitment to democracy, the First Amendment, and freedom of the press.

"Tony tells me that as he looks up around, he sees the family there and he sees these little red dots on Lazaro's [Elian's great uncle's] forehead, on Marisleysis' [Elian's cousin's] forehead. Which of course are the laser sights from the machine guns. He sees them all trained there and then he hears what's going on in the back room. But he's not in that back bedroom because he's now down on the floor with a foot in his back and a gun to his head saying, 'Don't move.'"

Zumbado had a pre-existing back condition that was apparently exacerbated when a federal commando planted a boot on his spine. The Wednesday after the raid, Zumbado, unable to move without pain, was removed from his home by stretcher and taken to a Miami hospital. While there, he



A story ending happily or an unhappy story beginning?

AP / WIDE WORLD PHOTO

would have been able to read about Janet Reno's liberal press-coverage policies at his leisure.

"Father and Son"

By the afternoon of April 22, the day of the raid, those defending the decision took their most effective action in limiting raid-imagery damage: They offered counter images. Photographs of a happy Elian in his father's arms at Andrews Air Force Base, and of the boy playing with his half-brother, were released to the press. The shot featuring the father was to accompany the raid pictures in much of the press coverage, and to dominate coverage in such major agenda-setting papers as *The New York Times*. Indeed, it was the cover shot of the next issue of *Time* magazine, which captioned it "Papa!" The photo was played with an air of denouement, of happy resolution. All's well that ends well.

"Happy resolution" was precisely the narrative pushed by the Justice Department. "Earlier this morning," Janet Reno told reporters at an April 22 press conference, "federal agents began to reunite Elian Gonzalez with his father and uphold the rule of law." These were the first on-the-record words out of the attorney general's mouth the day of the raid, and they established the themes that federal spokespersons were to pursue relentlessly in the weeks afterward. The raid, according to this story, was a necessary prelude to a heartwarming family reunion. No administration figure was to address the raid issue without at least once formulating a sentence referring to the benevolent reunion of a boy and his father.

The most florid of these father-son formulations came from Reno herself, during a bizarre May 1 appearance on *The Oprah Winfrey Show*. Sinking in an ocean of warm fuzzy rhetoric, Reno managed to evoke the Gonzalez reunion as a model for a great American joining of hearts. "I think it is time for us all to come together," the attorney general told the popular daytime hostess, "father and son, community, people who care about each other to make democracy work."

Who took the pictures of a happy Elian and his father? The father's $850-per-hour lawyer, Greg Craig. (Craig had written to the major news media, calling on them not to cover the raid at all in the name of "decency.") Notwithstanding the attorney general's embrace of openness and the free press, no reporter would be allowed to photograph the pair. The Air Force base, outside Washington, was closed to everyone—including, somehow, U.S. senators—in the interests of family privacy and healing.

Elian's Miami relatives were to argue that the "reunion" images were fakes, a desperate and ill-considered charge that

was quickly proved false. The pictures are real enough—why shouldn't the boy be glad to see his father, especially given the violence with which he had been snatched from his Miami home? The question is, is the story that these pictures tell a false one?

The "reunion" pictures imply a resolution. Certainly, that is how the administration has used them, and how they have been treated by leading periodicals. But there is no reason to assume that the reunited Gonzalez family will now live happily ever after. If Elian returns to Cuba, he apparently will be housed in a state school for at least three months by a regime that considers children its property. Fidel Castro has promised as much. Thus, the Elian narrative may be far from completed: Lying ahead may be precisely the ugly possibilities that were all along at the heart of the Miami custody battle. Of course, if Reno had told the press or even Oprah Winfrey that "Federal agents have begun the process that will end in a Castro re-education facility," that wouldn't have sounded so good. Better to pretend that a story has ended happily, than to admit that an unhappy story may be beginning, one that featured the armed connivance of the American government.

The "reunion" pictures imply familial intimacy. Reno has cited exactly this excuse in keeping the press away from the family. That wouldn't be an unreasonable act, if it were true. But it isn't.

The "reunion" pictures also imply familial intimacy. Certainly, Janet Reno has cited exactly this excuse in keeping the press and everyone else away from the family. That wouldn't be an unreasonable act, if it were true. But it is not true. (One notable exception occurred in May, when Elian was on display at a political dinner in Georgetown.) More important, perhaps, the family has been surrounded by a gaggle of Castro "diplomats" since the moment the boy arrived at Andrews, and this same extended "family" all moved in together at the Wye Plantation, a government-owned property across the Chesapeake Bay from Washington. In other words, Juan Miguel Gonzalez has almost never been out of sight of his Cuban overseers since his arrival in the United States, a circumstance that continues to raise questions about his free agency. Yet, the attorney general of the United States defines this situation as one of "privacy."

Cuba's "diplomats" in Washington—they staff an "interests section," and not an embassy—are a notably thuggish lot. A few days before the Miami raid, a dozen of them emerged from their building to beat up anti-Castro protesters, men and women, who were demonstrating on a public sidewalk. Federal police who were guarding the building actually had to intervene. In the two centuries Washington has been the seat of government, foreign diplomats have used their immunity for a great many nefarious purposes, from stiffing the city on parking tickets to espionage. But the crude criminality of this attack may be a first. The administration has expressed its "concern."

Finally, the "reunion" images portray a happy little boy. Elian may in fact be very happy, but not everyone is satisfied to take Greg Craig's or Fidel Castro's word for the matter. On April 29, the Association of American Physicians and Surgeons released a letter to the INS expressing its concern that the boy's medical treatment may have been politicized. It asked the INS "to disclose the names and backgrounds of all U.S. government-appointed medical personnel involved in the treatment or evaluation of the boy." The AAPS added that it was "not confident that the glowing reports from anonymous government doctors of the boy's easy adjustment following a traumatic seizure at gunpoint are indeed, unbiased, or for that matter, first-hand." The government has since identified a social worker and a psychiatrist who have tended to Elian.

On April 27, Customs officials in Washington searched the bags of Elian's Cuban pediatrician, who was en route to Wye Plantation, and found such sedatives as Miltown and phenobarbital. This discovery has fueled persistent claims that Elian may have been sedated following his seizure. In fact, there is no evidence that the boy has been mistreated in this way, but the AAPS's point remains perfectly valid: There was no independent information about the boy during this crucial period, and neither the U.S. nor Cuba had any credibility on the subject.

The administration's response to the raid imagery reflects the media strategy it has employed through two terms of scandal. It had on its hands a narrative it didn't like, so it attempted to create a counter-narrative. That new story demonized Elian Gonzalez's Miami family as disturbed and violent, celebrated government commandos as victims, subsumed inconvenient emotions within the person of an empathetic attorney general, and even appropriated the problematic imagery itself. Tacked on was a useful but false fairy-tale ending in which Little Elian lives happily ever after. But his story has not really ended at all. If Elian sails off into the sunset, he'll land in Cuba. A lot of good Janet Reno's empathy will do him there.

Charles Paul Freund (cpf@reason.com) is a REASON *senior editor.*

Virginia Postrel

Cable Access

Regulation gave us media monopolies. Can consumer power shake them?

Americans hate their cable companies—for bumbling installers, on-again-off-again transmissions, peculiar channel selections, and indifferent customer service. The only thing cable subscribers hate more than the cable company is not being able to get what it delivers: multichannel selection and good reception.

So when Time Warner yanked ABC from the homes of more than 3 million subscribers, including a lot of Manhattanite media stars, the cable company was bound to lose the p.r. battle. As Eric Mink of the New York *Daily News* put it, "On one side, there's Oprah Winfrey, Regis Philbin, Ted Koppel, Dennis Franz, Diane Sawyer, Michael J. Fox, Drew Carey, Jenna Elfman and Peter Jennings. On the other side, there's...the cable company! The technical term for this situation is 'no-brainer.'"

Beyond the Everyman consensus that the cable company is bad, there was the equally common idea of why that's so: because the cable company is big. Time Warner is already a huge jumble of media properties, from DC Comics to CNN, and it's trying to merge with AOL. Over and over again, populist cynics warned that we might as well get used to its viewers-be-damned attitude.

"It's the future," wrote Phil Rosenthal of the *Chicago Sun-Times*. "A future that doesn't have to be, perhaps, but a future toward which we seem inexorably headed. This nasty shoving match between media megapowers...is a warning to everyone about all that's at stake as conglomerates merge and flex their newly fortified muscle."

The ABC affiliate in Philadelphia put out a press release with much the same message. Viewers in West and North Philly, it said, were victims of Time Warner's "illegal and irresponsible midnight ambush of Channel 6 and its viewers." The big, bad conglomerate had bought out minority-owned Wade Communications, which formerly held the monopoly franchise for those areas, and now Time Warner was beating up its customers. "Time Warner's action is a frightening foreshadowing of how it will treat the public after its merger with AOL," said Dave Davis, the station's general manager.

The problem with this diagnosis is that it ignores history. As it happens, I lived in West Philadelphia in the early 1980s, and I could only dream of such problems. In those days, the issue wasn't whether local cable subscribers would do without Ted Koppel for a few nights. It was whether Philadelphians would ever get cable at all. Local and national companies were clamoring to provide service, and we customers wanted to buy it. But the city council wouldn't let anyone into the cable business.

Cable companies aren't bad because they're parts of unwieldy media conglomerates. They're bad because they're monopolies, even where they are no longer legally exclusive.

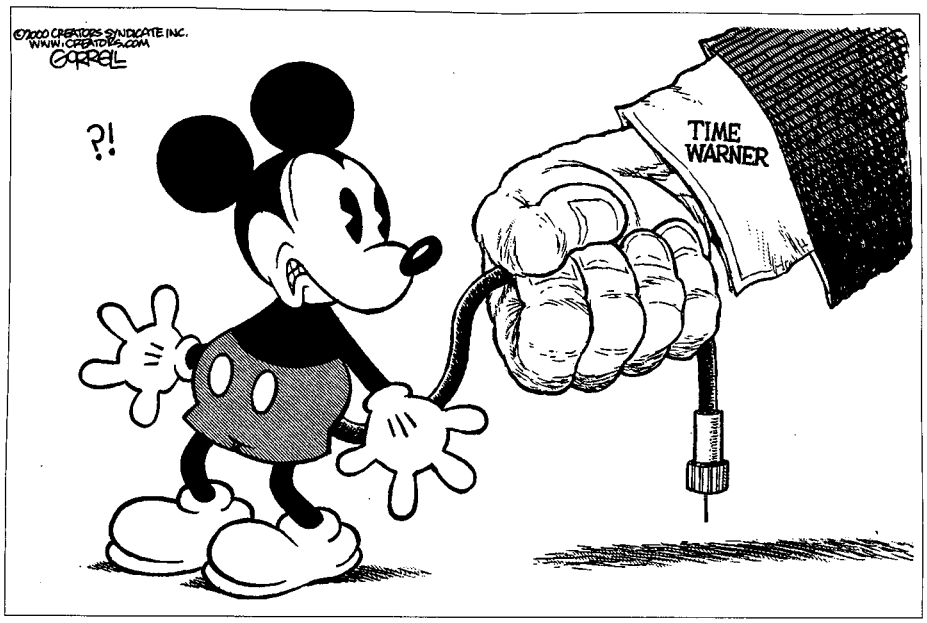
Council members couldn't make up their minds how exactly to divide up the monopoly territories and what to demand in return. How much favor should local companies get? How about minorities? How many channels should be reserved for public access programming or showcasing city council meetings? Every time a deal looked close, it fell apart. Philadelphians who wanted cable TV were victims of years upon years of political ambushes—all in the name of the "public interest." The same was true across the country.

Ever wonder why the low channels in Washington, D.C., are full of unwatchable yack shows featuring local eminences you've never heard of? That's the sort of "public service" payoff it took to get the right to give subscribers ESPN, C-SPAN, and A&E. As for the rinky-dink home shopping and religious stations that clog many cable systems, you can blame the federal "must carry" law—a reflection of a long-standing official bias toward "localism." Must-carry forces a cable company to transmit all local broadcast stations that don't demand payment, even if viewers would rather watch something else.

Contrary to critics like Rosenthal, what we saw in the Disney vs. Time Warner fight wasn't the future. It was the past. It was the destructive, anti-consumer legacy of treating telecommunications as too important for market competition.

For 70 years, federal technocrats have imposed rigid categories on telecom—blocking the fluidity that would otherwise match technological creativity and consumer desires. In the 1970s and '80s, the ostensibly disinterested stasis of federal telecom regulations met the crass, interest-group jockeying of local politics. The combination of federal restrictions and municipal favoritism created the nasty cable companies customers loathe today.

Cable companies aren't bad because they're parts of unwieldy media conglomerates. They're bad because they're monopolies (even where they are no longer legally exclusive) and because the government policies that made them monopolies rewarded lobbying over customer service. In the name of the "public interest," cable companies were taught, and in some cases required by law, to screw their subscribers. They learned instead to please the powers that doled out their franchises and protected them from competing technologies.



Making customers happy was desirable, of course, but it wasn't a bottom-line priority. Customers had nowhere else to go.

That's finally changing. During its battle with Time Warner, Disney didn't rely on p.r. and politics alone. It signed up with DirecTV to offer free satellite dishes to people who wanted to dump the cable service that had dumped ABC. In Houston alone, some 15,000 subscribers switched to satellite service. (DirecTV and its main competitor, EchoStar, have about 12 million subscribers, compared to 65 million cable subscribers, and the satellite base is growing by 40 percent a year.)

Why that alternative exists tells us something important about the future of telecom. Consumers are finally demanding, and getting, a voice in what happens to them. As REASON Washington Editor Michael W. Lynch was early to report, the satellite companies offered customers questionably legal service and changed the balance of power by doing so. (See "I Want My Satellite TV," April 1999.) Federal law allowed Americans to hook up to satellite programming only if they got unbelievably terrible over-the-air service, but the exact definition of that terrible quality was fuzzy enough to provide a temporary loophole. By the time the FCC got around to defining lousy service, millions of people loved their satellite TV. They were outraged that regulators were saying they should do without it.

Perhaps unintentionally, the satellite companies created a grassroots, consumer interest in deregulation, not as an abstract concept but as a day-to-day reality. Ordinary people had something to lose from the regulations that were supposed to protect them, and they were mad as hell. They knew how markets were supposed to work, and this wasn't right. As Bud Smith of Port St. Lucie, Florida, told REASON, "It's my money. I bought the dish. I maintain the dish. I should be able to buy what I want."

Under pressure from angry constituents like Smith, Congress was forced to change the law. That's why Time Warner subscribers in big cities like Houston and New York can now switch to satellite. Unfortunately, as REASON Contributing Editor Tom Hazlett recently noted in *The Wall Street Journal*, the good lawmakers slipped a "must carry" poison pill into the bill. By 2002, a satellite company that offers one local station must carry all local stations. Given the national reach that satellite subscriptions offer, that translates to something like 1,600 channels (including all those annoying home shopping stations, small-fry religious broadcasters, and infomercial specialists)—a killer requirement for systems that currently offer 500 or fewer stations and concentrate on the ones people actually want to watch.

After a couple of decades watching telecom regulators and interest groups crush consumers and competition, Tom is a bit of a pessimist. But this time, there's reason to hope. Two million unhappy satellite subscribers were enough to get the law changed last time. By 2002, there will be millions more. They will demand, with Smith, the right to buy what they want.

That's not just a change in interest. It's a change in ideas. Telecom regulation was built on the assumption that experts knew best how to allocate service. Cable monopolies added "democracy" to the equation, giving local politicians—those closest to the people, after all—the right to determine how, when, and from whom citizens could get TV service. Americans still support expert regulation in some areas, and they certainly support democratic politics. But they also want individual choice and individual control. They don't want officials making inherently private decisions for them, including decisions about which products and services to buy. The more potential choices technology creates, the more people expect the right to exercise those choices.

The political and media establishments haven't quite realized that consumers want the right to control their own lives, not simply to ask favors from officials. After seven decades of complex and esoteric regulations, it's hard to grasp the idea that communications technologies might be too quickly evolving and too important to individuals' lives to be governed by central control. Reporters like *Newsweek*'s Johnnie Roberts still see the answer as more government control. "When you find that you can't get the local news because of a business dispute between these giants, then Washington is clearly apt to scrutinize these businesses and whether they want them to get even bigger," he said on *The Charlie Rose Show*. This analysis, which encapsulates the conventional wisdom, gets the story all wrong.

Viewers don't care how big media companies are. They care whether they can dump those they don't like, whether because of lousy service or because of crummy shows. They want the right to exit—the fundamental right that has been lost in 70 years of "public interest" regulation. ◆

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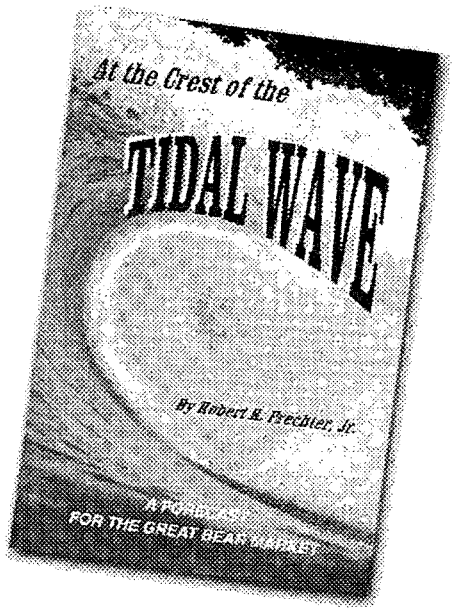

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Vietnam Flashback

Does Agent Orange cause diabetes?

By Michael Fumento

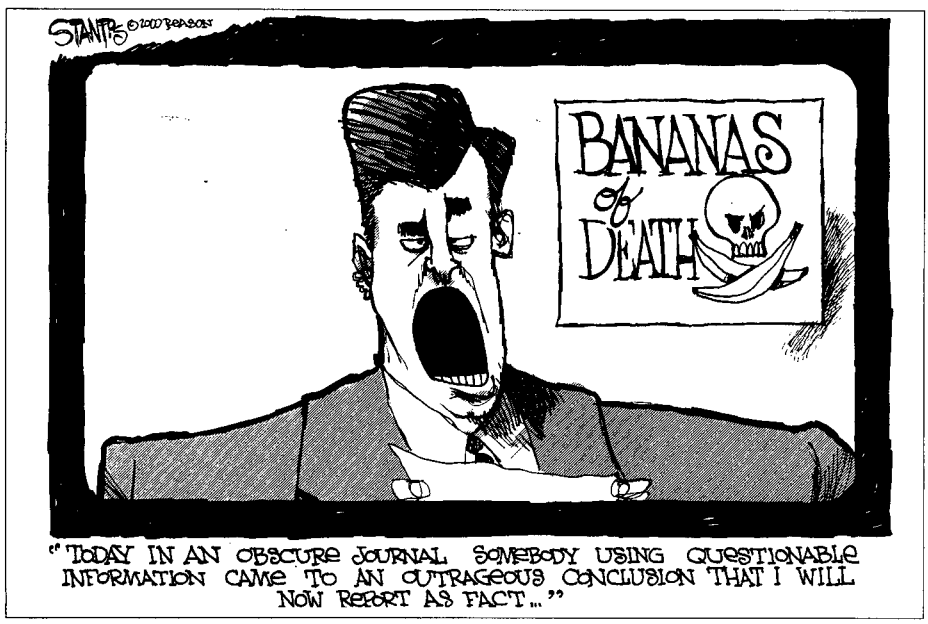
U.S. veterans groups have long considered Agent Orange, the controversial herbicide used to defoliate jungles during the Vietnam War, a bigger villain than Ho Chi Minh and Henry Kissinger combined. Agent Orange exposure has been blamed for virtually any disease Vietnam vets and their offspring have ever suffered since the soldiers finished their tours of duty. These include everything from recurring rashes, dizziness, nausea, migraine headaches, stomach aches, and clinical depression to a plethora of cancers and birth defects.

Congress and the Department of Veterans Affairs have responded with two official presumptions. First, that all Vietnam vets had Agent Orange exposure, even though blood testing has shown that only a handful had *any* exposure. Second, that certain cancers and one type of severe birth defect, spina bifida, are caused by the presumptive exposure.

Never mind that studies in both the United States (by the Centers for Disease Control) and Australia found that the children of Vietnam vets had as few or fewer birth defects than the general population. Another CDC study found that one type of cancer was abnormally prevalent among vets, but only among sailors who served on ships off the coast and hence couldn't have been exposed to the defoliant. Miscarriage studies also have found no significant increase among vets or their spouses. Agent Orange has been cleared by every serious scientific study.

Until, it seems, now. Air Force researchers think they've finally, unquestionably pinned a disease on Agent Orange. Or so major media coverage of the study would indicate. The headlines in late March were unequivocal:

- "Study Finds Strong Link Between Vietnam War Herbicide and Diabetes" (Associated Press)
- "Air Force Study Finds Strong Link Between Exposure to Agent Orange and Diabetes" (CBS *Evening News*)
- "Agent Orange Harmful" (ABC's *World News Tonight*)
- "Vets Say VA Must Act on Agent Orange-Diabetes Link" (Copley News Service)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BANANAS of DEATH
"TODAY IN AN OBSCURE JOURNAL SOMEBODY USING QUESTIONABLE INFORMATION CAME TO AN OUTRAGEOUS CONCLUSION THAT I WILL NOW REPORT AS FACT..."
SCOTT STANTIS

As Dr. Joel Michalek, head of the Air Force research team, said at a press conference: "This report includes the strongest evidence...that exposure to Agent Orange is associated with adult-onset diabetes."

But the implications of the headlines, and Michalek's statement, are wrong. And the proof can be readily found in the introduction and conclusion of the 1,700-page report itself, which is available on the Web at www.brooks.af.mil/AFRL/HED/hedb/afhs/97report.shtml. While the report doesn't support claims that Agent Orange causes diabetes, its media treatment is an object lesson in how weak science gets used for political purposes—and how those who should know better needlessly spread fear and anxiety. How the Agent Orange story has been spread is emblematic of other war "syndromes," including Gulf War Syndrome (See "Gulf Lore Syndrome," March 1997), and even something called "Korea Vet Early Death Syndrome," which may be catching on in Canada (but has yet to invade the U.S.).

The Air Force study is based on exhaustive health evaluations performed every five years since 1982 on veterans of Operation Ranch Hand, the Air Force operation that sprayed 90 percent of all the Agent Orange herbicide used in Vietnam. Many Ranch Hand veterans still have elevated levels of dioxin—a contaminant always present in the herbicide—in their bodies as a result of their long-ago exposures. For anyone interested in the possible health effects of Agent Orange and dioxin, it makes sense to examine the men with the highest exposures. If you don't find health problems in them, there's no reason to expect problems in persons with barely detectable or wholly undetectable exposures.

The latest examination results, based on 1997–98 examinations just now emerging from the long pipe of scientific report-writing, found that Ranch Hands had no more adult-onset diabetes than vets who flew the same types of aircraft in Southeast Asia but didn't spray any herbicides, be it Agent Orange or something else. But the

238 Ranch Hands with the highest dioxin levels in their blood (more than 10 parts per trillion) were 47 percent more likely to have diabetes than those 232 Ranch Hands with the lowest dioxin levels.

That's all the evidence for the diabetes–Agent Orange connection—and it's not the kind of evidence any district attorney would want to go to court with. First, as the report itself notes (on page 19-9), the 47 percent increase was not statistically significant. "Statistical significance" is a term epidemiologists use to describe whether an increase or decrease falls outside the bounds of what could be expected by chance. Scientists sometimes find 1,000 percent increases of some risk or other, but if few enough people were included in the study, they can't reliably conclude that such apparently huge risk elevations weren't merely random chance.

Yet even if the 47 percent increase (which epidemiologists refer to as a "relative risk" of 1.47) was statistically significant, it wouldn't mean much. Says who? The authors of the Air Force report (on page 1-10): "Statistically significant relative risks less than 2.0 are generally considered to be less important than larger risks because relative risks less than 2.0 can arise more easily because of unrecognized bias or confounding." Bias and confounding variables are possible contributing factors which epidemiologists might not have been able to keep out of their data that confuse results. Dietary habits are a common one, for example, though in this study the Air Force authors took such matters as the amount of fruits, vegetables, and fats in the vets' diets into account.

But there's a *result* of dietary habits that may well have influenced the results. That particular confounder was the whole reason the Ranch Hand study could even be done. Dioxin, the marker for Agent Orange exposure decades ago, is stored in body fat and works its way out into the bloodstream so slowly that it can be measured many years later. Fatter people don't release fat-soluble compounds like dioxin nearly as quickly as thinner people, notes Michael Gough, a biologist who was chairman of a federal advisory panel for the Ranch Hand study from 1990 to 1995. Thus, higher dioxin levels are associated with higher obesity levels. And what's one of the main risk factors for adult-onset diabetes? Obesity. "It's far less likely that Agent Orange is the cause of the diabetes than is obesity," says Gough.

Dr. Michalek, the Air Force project leader, himself told *New York Times* science writer Gina Kolata, "We know diabetes is highly related to body fat, and so is dioxin. That's why these diabetes findings are so difficult to interpret. People are concerned that we haven't done the right body fat adjustment."

Kolata, my Nexis searches indicate, appears to be the only reporter who voiced the least bit of skepticism about the Agent Orange–diabetes "connection." Her very headline did not refer to any diabetes "link" or "connection" but merely said, "Agent Orange and Diabetes: Diving into Murky Depths." Unfortunately, the *Times*' main article on the study was written not by any of the paper's excellent science writers but by its military reporter. Military reporters specialize in areas more or less exclusive to the military, such as equipment, needs of personnel, tactics, and strategy. They are not expected to, and as a general rule do not have, any background or expertise in medicine, nor even names in a Rolodex to help them out.

None of this is to dispute Michalek's claim that his report is the "strongest evidence" of an Agent Orange link to diabetes. He's absolutely right about that. It *is* the strongest evidence, which actually speaks volumes about its weakness. For example, notes Gough, "There have been several large studies of chemical plant workers in the U.S. and Europe exposed to huge levels of dioxin and the components of Agent Orange. None of them has found excesses of diabetes."

Veterans Affairs now pays compensation to Vietnam veterans who develop any of several "Agent Orange–related diseases." It's a virtual given that the current clamor from veterans groups and politicians will convince the VA to add diabetes to that list. "Based on the evidence we have seen, the VA should make a decision that diabetes is presumed to be service-connected based on Agent Orange exposure," says John Sommer, executive director of the Washington office of the American Legion.

Sommer may want to think twice about using the report. Beyond diabetes rates, the Air Force study looked at the other "Agent Orange–associated diseases," including nine different cancers, for which groups like the American Legion had lobbied to get compensation. What did it find?

While the Air Force report doesn't support claims that Agent Orange causes diabetes, its media treatment is an object lesson in how weak science gets used for political purposes.

"Ranch Hand enlisted ground crew, the occupation with the highest dioxin levels and, presumably, the highest herbicide exposure, exhibited a decreased prevalence" of cancer. The Ranch Hands got cancer about 21 percent less often than the comparison group of Vietnam vets who sprayed no herbicide at all.

Like the 47 percent increase in diabetes, that decrease is statistically insignificant. But if you want to follow the lead of those media types and politicians who tossed statistical significance to the four winds in the case of diabetes, you can conclude that Agent Orange and dioxin exposure reduce cancer risks.

That said, don't expect to find dioxin capsules in the vitamin store next to shark cartilage. *Do* expect this latest report to become part of the lore surrounding Agent Orange. And while some vets will receive compensation they don't deserve, many more who bravely served in Vietnam will simply live out their lives in fear that they are at elevated risk for diabetes or cancer. That's not the kindest way to thank them for their service. ◆

Michael Fumento is a senior fellow at the Hudson Institute in Washington, D.C., where he specializes in health and science issues. His Web site is www.fumento.com. He is writing a book called The Biotech Breakthrough.

Traffic Jam

Auto dealers use government to build Internet roadblocks.

By Diane Katz and Henry Payne

America's automotive giants have not always been quick to jump on the next big thing. But they are heeding the call of the Internet revolution. At General Motors, for example, worldwide purchasing chief Harold Kutner promises that by 2003, 80 percent of new car buyers will be able to custom-order its vehicles online.

Kutner's team, and others like it throughout the auto industry, have been scrutinizing the business models of Dell, Gateway, and other made-to-order PC retailers. The goal: to remake their outdated and inefficient vehicle-distribution scheme for the online market. It is a grand ambition that is gaining converts fast. Nearly 7 million Americans—more than 40 percent of all new car buyers last year—electronically kicked tires via the Internet before finalizing a vehicle purchase. The Web is awash with information on vehicle performance and options, as well as availability and price.

But as in all revolutions, the old guard refuses to go quietly. In recent months, consumers like never before.

More than 16 million new cars were sold in the United States last year, representing vast e-commerce opportunities. A slew of online brokers has emerged, and manufacturers have teamed with high-tech giants such as Netscape, Microsoft, and Dell to create their own online presence. Consumers now can access a wealth of information about vehicle prices and performance that used to be much more difficult to come by.

But what consumers don't enjoy is actual choice of whom they buy their new car from—a choice that for other product lines yields lower prices and better service. The sole barrier to exercising this economic muscle is franchise law, which grants a licensed elite exclusive control over virtually every new car sale.

Forty-eight states tightly regulate who can sell a new car and where they can sell it. Michigan, the heart of the U.S. auto industry, provides perhaps the worst-case scenario of overambitious franchise law, with the statutory fine print running 19 pages long. But it is indicative of the anti-competitive restrictions built into most states' franchise laws.

At the behest of conventional dealers, at least nine states, including Texas and Wisconsin, have restricted online auto sales. Similar measures are currently pending in several more.

at the behest of conventional dealers, at least nine states, including Texas and Wisconsin, have restricted online auto sales. Similar measures are currently pending in several more. As if car salesmen weren't already sufficiently suspect, they are pulling every string to maintain their monopoly of the $360 billion new car market—highlighting how regulatory power is being marshaled against the free market just as the Internet empowers

Michigan's dealership laws cover everything you can think of, ranging from allowable sales territory (in counties with more than 25,000 people, there can only be one dealer per six-mile radius) to which family members can inherit a franchise ("the spouse, child, grandchild, parent, brother or sister of a deceased new motor vehicle dealer"). Back in the 1950s, dealers secured franchise laws after convincing legislators they needed protection against bullying manufacturers, who otherwise might impose costly dictates on dealers and demand sales and service concessions in return for advantageous inventory. Some states also banned automakers from directly competing in sales to ensure that distribution was "fair."

With millions of dollars invested in facilities and inventory, the dealers' protectionist impulse is understandable. But such matters are more typically the province of contract law, not legislation. The practical effect of franchise laws has been to inhibit competition. Through territorial monopolies sanctioned by the state, dealers effectively limit the ability of consumers to comparison shop. And dealers need not worry overly much about customer satisfaction when there's nowhere else to go. (The dealers' refusal to open on weekends—the most convenient time to shop—has frustrated Detroiters for decades.)

In a 1997 study, Hillsdale College's Gary Wolfram and Michigan State's Lynn Jondahl pegged the cost of franchise regulation at $800 million annually in Michigan alone—a huge transfer of wealth from consumers to dealers. Supply restrictions increase vehicle price and search costs. And Wolfram and Jondahl's calculations included the cost to consumers of dealers using their market power to restrict product choices to mostly option-rich vehicles.

The Internet promises to free consumers from dealer captivity. Unconstrained by franchise law, services such as Autobytel.com or Priceline.com could locate a precise make and model in a given price range, and arrange delivery straight to your driveway. Or a customized order could be filled within days rather than weeks if sent online to the nearest factory and purchased directly from the manufacturer. This competitive potential has converted some traditionally pro-regulation consumer advocates to free markets. For example, the Consumer Federation of America, a Naderite consumer advocacy group that has long championed franchise

law, now acknowledges that such statutes are anti-consumer.

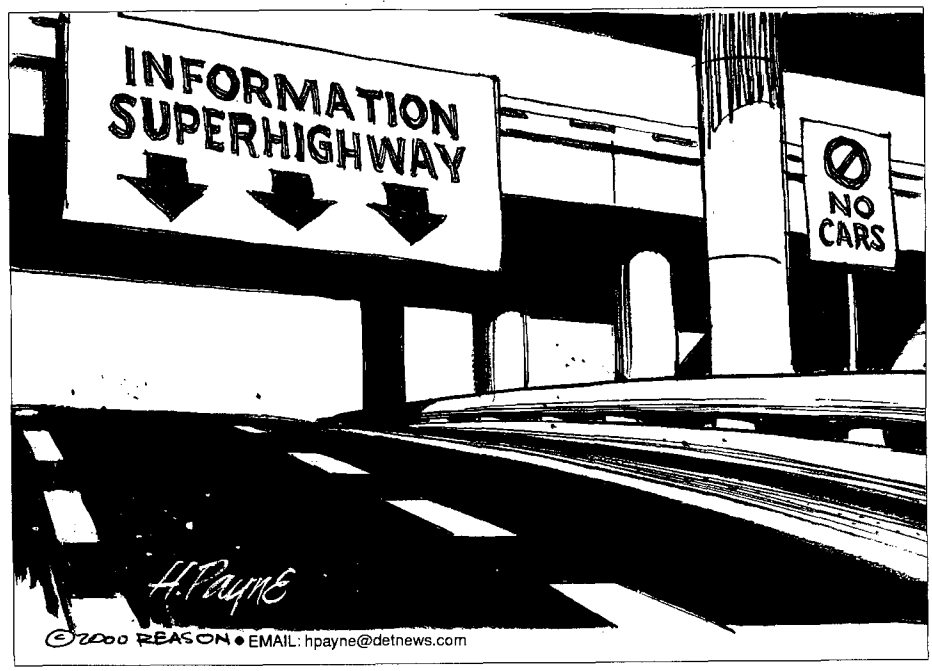
"The Internet has changed everything," says Federation spokesman Jack Gillis. He sees the enormous consumer benefits that online booksellers have brought to the traditionally bricks-and-mortar book trade and believes that the Amazon.com model would liberate the car shopper as well. "Anyone who can sell a car should be able to," he adds. "It would put a lot of price competition in the marketplace because you would eliminate the immediate problem, which is the inability of the manufacturer to sell directly to the consumer."

Smart dealers are embracing the Internet, either by hosting their own Web sites or by cooperating with online brokers who act as intermediaries between buyer and dealer. But they remain a minority. In a recent test of online auto brokers, *Consumer Reports* found that only 35 percent of shoppers received a quote within 48 hours, and 22 percent were told they would have to visit the dealership to get a firm price.

Their worst fears notwithstanding, dealers wouldn't just disappear in the absence of franchise law. There are plenty of people who would prefer to actually sit behind the wheel rather than take a virtual test drive. And the demand for service—for which dealers earn their biggest return—would undoubtedly continue.

But consumers clearly want an online option. A recent survey by consumer-research firm J.D. Power and Associates found nearly half of respondents would prefer to buy factory-direct even if there were no cost advantage. And when surveyed about potential savings through direct purchase, nearly 70 percent indicated they would buy from the manufacturer. Aside from cost savings, most respondents said they simply want more freedom to customize a vehicle and to avoid the often laborious haggling over price.

"Dealers need to take a long, hard look at the frustration causing consumers to vocalize their desire for factory-direct sales," said Chris Denove, director of automotive retail/distribution analysis for J.D. Power. "Although dealers are likely to stay, the franchise system as we know it is ripe for fundamental restructuring."



HENRY PAYNE

Automakers are fully aware of customer frustration, but still shy from publicly advocating repeal of franchise laws in the face of fierce dealer opposition. No manufacturer wants to antagonize the customer's most direct link to the company. And this is particularly true of dealers who sell more than one vehicle brand, and who therefore could play favorites. An experiment in manufacturer-owned dealerships initiated two years ago was quickly abandoned in the face of bitter opposition from the National Automobile Dealers Association (NADA). Ford instead is testing factory-direct sales in Belgium. And GM has formed an advisory council to incorporate the Internet into the franchise model.

Online brokers, too, are reluctant to challenge franchise law for fear of vexing the source of their product—the dealers. Yet as long as companies like CarsDirect. com are forced to buy vehicles through the franchise monopoly—effectively guaranteeing a double mark-up—savings to consumers will be slim.

NADA, meanwhile, is preparing to launch a Web site in June featuring price data and dealer links. Sales referrals will be offered free of charge—in direct competition with the online services that typically collect brokerage fees from either the dealer or customer. (NADA evidently embraces some forms of competition.)

But the group adamantly refuses to cede control of sales, insisting that all online orders be delivered through a dealership. And its members are furiously lobbying for even tighter restrictions in state legislatures.

Texas, for example, recently outlawed brokering altogether, instituting a fine of $10,000 per violation. The state also ordered Austin-based CarsDirect.com to cease offering services in its home state. Regulators even denied a dealer's license to GM, and prohibited Ford from selling used cars online—a move the number two automaker has challenged in court.

A bill pending in Washington state would flatly prohibit manufacturers from owning dealerships. Arizona is considering legislation to prohibit automakers from selling directly or even owning part of a dealership. A pending bill in Nebraska, meanwhile, would require that all car purchases be delivered through a dealer.

While clearly irrational from a consumer perspective, the legislative backlash is hardly a mystery. "Our dealers have a lot of influence," said Mark Hogan, president of e-GM, General Motors' Internet Commerce Division. "They are among the most important businesses in the community. They have a lot of influence in the political process, and the outgrowth of franchise laws is certainly part of that whole tapestry."

States also find it a whole lot easier to collect taxes from local dealers than dot. coms. But history won't stand still. Just as

fundamental changes in the electric and telecommunications marketplace are forcing utility monopolies—even with their legislative clout—to adapt to a new economic order, so will dealer monopolies have to adapt to the fast-changing digital landscape.

At a new $550 million facility in Brazil, GM is testing operation "Blue Macaw." That's the code name for a new manufacturing system that houses parts suppliers adjacent to the vehicle assembly line. The concept anticipates the quick production so vital to GM's e-commerce plans. Inside the factory, 15 suppliers feed the line complete "modular" component systems, rather than hundreds of individual parts, as the chassis moves by. The result? The time required to install an instrument panel, for example, drops from 22.5 minutes to just 3.3 minutes.

And in a huge expansion of electronic commerce, the major automakers last month announced they are moving the entire automotive supply chain online—some $250 billion worth of parts and supplies for Ford, GM, and DaimlerChrysler. Because orders for parts can be relayed in real time, the new system will reduce the wait for a custom-ordered vehicle to just days. Like Blue Macaw, it is a critical step toward factory-direct purchase. When it's fully operational, consumers won't have to settle for inflexible option packages.

There also are important efficiencies for dealers. More customized purchases would eliminate the large inventories that weigh heavy on a dealers' bottom line. No longer would dealers and manufacturers be guessing what models and options customers most want and left to cross their collective fingers that a mistaken forecast will not leave thousands or even millions of cars sitting unsold on lots nationwide.

While acknowledging that the Internet can accelerate customization and improve efficiency, Mike Savoy, president of the Detroit Auto Dealers Association, insists that the franchise-dealer system remains necessary. "There are 50 different state laws. How's GM going to address 50 different franchise laws, 50 different title laws, 50 different sales taxes, and a litany of other things that need to be signed?" he asks.

And if there were no franchise laws?

Dealer Savoy refuses to speculate. Franchise laws are necessary, he says, to protect dealers' investment. But in a veiled warning to such entrenched attitudes, GM's Hogan notes that no business can long ignore consumer demands and survive. "The efficiency of the Internet is driving people to behave differently as consumers," he says. "The customer will ultimately decide, and we have to be prepared to adapt to meet what the new model ends up being."

State legislatures would do well to heed the call.

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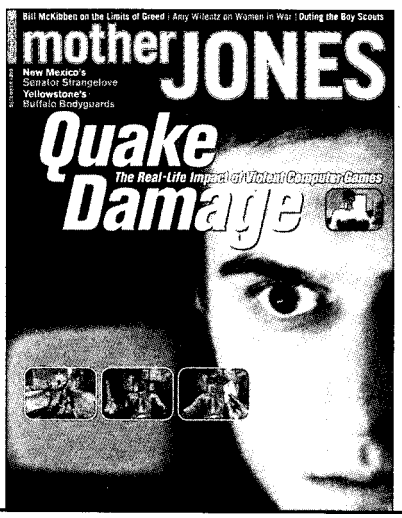
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Walter Olson

Look for the Kiwi Label

The "anti-sweatshop" movement has an elastic agenda.

I used to flip past news items about the "anti-sweatshop" crusade, but I began keeping a file when I realized its agenda had grown more elastic than the waistband on a Kathie Lee Gifford jogging suit:

■ After getting clobbered among informed people on the trade issue, the AFL-CIO has switched tack and now says it fights imports not because they might cost American jobs but because they're made under sweatshop conditions. As *Chicago Tribune* columnist Steve Chapman points out, its leaders would enjoy more credibility with this new line had they not recently gone to the mat to oppose NAFTA trade with Canada, a country whose laws are more favorable to unions than those here.

■ Anti-immigration groups deploy similar rhetoric to oppose letting even highly skilled professionals onto these shores. A bill to liberalize the H-1 B visa program, which facilitates entry of software engineers and other sought-after talent—Linus Torvalds, the Finnish architect of Linux, is one visa seeker under the program—"should rightly be called the Silicon Valley Sweatshop Act," argues Dan Stein, executive director of the Federation for American Immigration Reform.

■ Massachusetts Sen. Edward Kennedy and Missouri Rep. William Clay, both Democrats, have introduced a "Stop Sweatshops Act" that would hold retailers liable for labor law violations committed at separate companies thousands of miles away that make clothing under contract with the stores. Where "vicarious liability" is in the wind, trial lawyers are often not far behind: Class-actioneer William Lerach has filed suit against the Gap, Wal-Mart, the Limited, and other retailers over conditions at Chinese- and Korean-owned factories in the Northern Mariana Islands that produce clothing on contract.

■ Yale University is a "sweatshop," AFL-CIO Vice President Linda Chavez-Thompson has declared, because it pays grad students only a modest cash stipend on top of the free tuition and health coverage they get when they take on part-time teaching assistant duties. This was too much for *The New Republic*, which pointed out: "Extrapolated to a full-time, yearlong, 40-hour-a-week job, Yale graduate students would earn close to $38,000 a year—and that's not even counting the free tuition."

■ The current wave of campus anti-sweatshop agitation is aimed at getting universities to dump a previously negotiated "moderate" labor-code regime regarding the manufacture of licensed goods in favor of a "strong" regime favored by activists. Both moderate and strong codes contain many provisions that go beyond anything required of employers by current labor law in the U.S., let alone in less developed countries. The "strong" code, however, further contemplates that the independent monitors empowered to roam a garment-making shop taking notes on its operations would routinely relay this information to outside union activists to assist them in their efforts to organize the shop. When apparel companies protest this latter idea as unreasonable and unfair to their contractors, campus activists accuse them of wanting to run sweatshops.

■ Last year *Time* called the dot-com world "a piece-work industry sweat shop": Even aside from its well-known propensity for employing immigrants, New York's Silicon Alley is known for long working hours, cramped loft workspaces, easily tripped-over power cords, and nonergonomic keyboards, along with wages that, while "decent, are hardly stratospheric." "Cyberspace is rife with sweatshops," New York University professor Andrew Ross was happy to confirm for the magazine's readers.

And why stop there? According to two labor-oriented University of Virginia academics, as quoted in this space in April, home-office telecommuters suffer job woes "remarkably similar" to those of Lower East Side tenement workers in bygone days: hence the Occupational Safety and Health Administration is right to take an interest in their plight.

■ In April, Notre Dame, considered a pacesetter among universities on the code issue, announced it would heed the urgings of its Anti-Sweatshop Task Force and cease allowing the manufacture of its

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licensed goods in any of 13 nations whose laws are considered insufficiently protective of workers, a curious assortment of countries ranging from China and Iran to Thailand and New Zealand. *New Zealand?* Well, from now on Notre Dame will allow the making of licensed products only in countries that are "signatories to the relevant International Labor Organization treaties and/or have national laws guaranteeing the legal rights of free association and union organizing." Not only has New Zealand evidently failed to ratify the right ILO treaties, but certain aspects of its labor laws are slightly more libertarian than ours —hence the sanctions. The Associated Press misreported that the countries on the Notre Dame blacklist are ones that "don't permit workers to form unions." New Zealand's work force is in fact slightly more unionized than ours, at 17 percent versus 14 percent as of 1998.

We seem to have witnessed here a kind of upwardly democratized redefinition of oppression. Forget the Triangle Shirtwaist Factory fire of 1911. Nowadays we get to call ourselves sweatshop workers even if we have a 401(k) plan, are getting our tuition paid at an elite educational institution, or work at home amid blond Ikea office furniture rather than loom, bobbin, and shuttle. Whole countries with exceptionally low poverty rates are deemed sweatshop havens even if, like New Zealand, they're better known for vineyards and sheep-dotted hillsides than for factory production of any sort. And an employer can get tagged with the same epithet, no matter what the actual conditions in its plants, so long as it (like most employers) is eager to remain nonunion.

If it's growing ever harder to distinguish the anti-sweatshop movement's agenda from that of American unions as an institution, well, that's no coincidence. "At the core of" the movement, write supporters Richard Appelbaum and Peter Dreier in a recent issue of *The American Prospect*, "is a strong bond with organized labor." Indeed, "the movement is an important by-product of the labor movement's recent efforts, under President John Sweeney, to repair the rift between students and unions that dates to the Vietnam War. Summer graduates are among the key leadership of the campus anti-sweatshop movement.... Unions and several liberal foundations have provided modest funding for student anti-sweatshop groups."

Appelbaum and Dreier are frank about the campaign's goals. United Needletrades, Industrial, and Textile Employees, an AFL-CIO member union, "represents fewer than 300,000 textile and garment industry workers, down from the 800,000 represented by its two predecessor unions in the late 1960s," they observe. Conventional unionization tactics have not done well, and "organizing consumers may prove to be a precondition for organizing production workers." In particular, "independent verification of anti-sweatshop standards... can also serve the goal of union organizing."

Nowadays we get to call ourselves sweatshop workers even if we have a 401(k) plan, are getting our tuition paid at an elite educational institution, or work at home.

Students can bring not only a vast fund of media-ready goodwill to this effort but also more tangible resources. For example, at the University of Wisconsin, an anti-sweatshop leader got himself elected student body president "and last year used the organization's substantial resources to promote the activists' agenda." Moreover, as a University of Michigan student points out, the issue holds moderate appeal. "Although I'm sure lots of us are all for overthrowing the corporate power structure, the human rights issues involved are what make a lot of people get involved," he said. "We have support, not just from students on the far left, but from students in the middle ground who don't consider themselves radicals."

But are the efforts of those well-meaning middle-grounders—or the revolutionaries—in fact helping workers in poorer countries? To doubt it, you needn't be a libertarian. The generally liberal MIT economist and *New York Times* columnist Paul Krugman, for example, says "the lofty moral tone of the opponents of globalization is possible only because they have chosen not to think their position through. ...Global poverty is not something recently invented for the benefit of multinational corporations." Indeed, "the supposed friends of poor workers abroad are no friends at all. If they got their way the result for the poor Freedonian would not just be no sweatshop—it would be no job."

Appalling as they may seem to Westerners, Krugman points out, wages and working conditions in the new Third World export industries are usually a big improvement over the less visible rural poverty that came before. "In 1975 South Korean wages were only 5 percent of those in the United States; by 1995 they had risen to 43 percent," he writes. "Manufactured exports, initially based on low wages, are the only route we know for rapid economic development....Wherever the new export industries have grown, there has been measurable improvement in the lives of ordinary people."

One reason moderates keep attending the anti-sweatshop rallies is that there really are, after all, some sleazy employers who defraud workers of wages or coerce them in other ways. (Keeping immigrants' passports under lock and key to discourage them from running away is one favorite.) But the effort to distinguish between such practices and "normal" employment in low-wage contexts isn't easy given the anti-sweatshop crusade's insistence that the determination of what constitutes intolerable working conditions must never be left up to the local workers themselves, nor to the governments of the countries in which they work, democratically elected or otherwise.

In place of any serious effort to distinguish between good and bad, we now wind up with absurdities like the Notre Dame standards, which depart to an almost delirious extent from any rational tally of worker oppression. Joining New Zealand, Thailand, and the others on the college's blacklist are Saudi Arabia and the United Arab Emirates, wealthy oil coun-

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tries not likely to bother with the business of exporting college-logo sports gear and sun visors. Other countries on the list, mostly very poor and obscure, include Eritrea, Laos, Somalia, the Solomon Islands, Afghanistan, Turkmenistan, and Oman. Five more, including Mozambique, Equatorial Guinea, and Qatar, have been placed on a "suspect" but not yet banned list for a distinctively hapless reason: "Their laws have not been translated into English." That would have pleased Dickens' Mrs. Jellyby, for whom the exotic remoteness of a moral concern was always a sign of its urgency.

Consider some of the countries that *didn't* make the activists' list: Indonesia, Myanmar, Haiti, Cuba, Sudan, Libya, and North Korea.

And it gets worse when you consider the countries that *didn't* make the proscribed list, which as it happens include most of those whose labor or human rights policies have come under activist scrutiny in recent years, such as Indonesia, Myanmar (Burma), and Haiti. After all, it's not that hard for countries to inscribe on their law books a few dubiously enforceable laws or U.N. conventions. Even Cuba, North Korea, Zimbabwe, Libya, and the Sudan (a country in which actual, no-kidding human chattel slavery is said to persist) can continue as acceptable venues for the production of key chains and caps imprinted with the Fighting Irish mascot. What a moral inspiration to us all!

A year and a half ago I had a chance to visit New Zealand, an exceptionally pleasant, spacious, and egalitarian corner of the world known for flightless birds and America's Cup boat racing, whose most pressing social problem of late has been convincing the rest of the world that it's not actually part of Australia. I spent some of my time discussing with professors and practicing lawyers the country's somewhat distinctive labor laws, introduced by a Thatcherite administration some years back (and now under reconsideration by its more left-leaning successor government). It would be misleading to characterize these laws as either to the "left" or the "right" of ours. Kiwi employers are less constrained than American ones in some respects, more so in many others. For example, official tribunals can order New Zealand employers to reinstate fired workers, a system without exact parallel here. One of the novelties introduced in the Employment Contract of 1991, however, was a new right of individual workers to bypass union representation and reach individualized contracts with their employers if they wish. Many workers have taken advantage of this new right, weakening unions' power; by coincidence or not, the years that followed have seen the New Zealand economy enter an export-led boom impressive even by today's world standards.

So impressive has the boom been, in fact, that the island country has become a magnet for Asian immigrants hoping to make their fortune. Last year authorities raided an Auckland sewing shop whose Thai owner was found to be overworking and mistreating eight of her compatriots. She was promptly arrested and brought to trial, where she was made to pay fines and compensation totaling NZ $370,000 under the country's wage and hour laws, which—who will tell Notre Dame?—remain in force as ever. The case caused a sensation in the Kiwi press in part because it fed into ongoing anguish about the country's perceived Americanization: You think this sort of thing goes on only in Los Angeles, and now it has come here! And indeed, *The American Prospect* tells us that L.A. alone has more than 160,000 sweatshop workers.

Memo to my faraway friends in Wellington, Christchurch, and Rotorua: Thanks for not boycotting us.

Contributing Editor Walter Olson (wo@walterolson.com) is a senior fellow at the Manhattan Institute and the author of The Excuse Factory: How Employment Law is Paralyzing the American Workplace *(The Free Press).*

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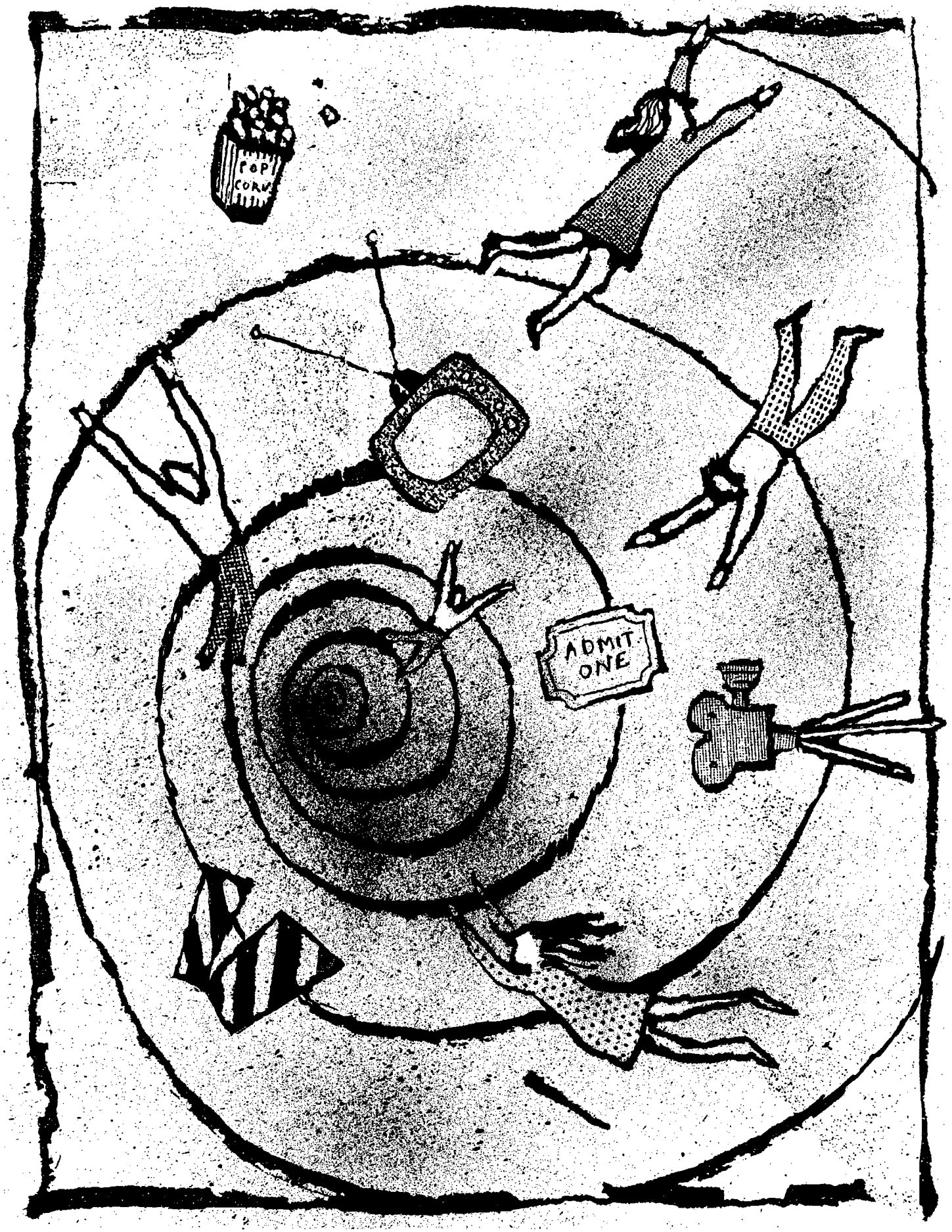
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More Than Zero

By Charles Oliver

Shows About Nothing: Nihilism in Popular Culture From *The Exorcist* to *Seinfeld*, by Thomas S. Hibbs, Dallas: Spence Publishing, 208 pages, $22.95

Are Homer Simpson and Jerry Seinfeld symbols of a spiritual rot in American popular culture?

Philosopher Thomas S. Hibbs thinks so. Like William Bennett and Michael Medved, Hibbs charges that popular entertainment is suffused by an aesthetic of nihilism—a belief that life is random, that the choices we make are largely meaningless, and that there are no objective standards of right and wrong. What's more, popular culture is fascinated with evil and violence. But unlike Medved and Bennett, Hibbs doesn't believe nihilism has been foisted on Americans by a Hollywood cabal. Hibbs, a professor of philosophy at Boston College, holds the audience for this material at least as responsible as those who purvey it. In the end, his argument isn't with the entertainment industry as much as it is with modernity itself. Nihilism, he says, is the inevitable product of certain strains of Enlightenment thought.

Although he is a more subtle analyst than the typical cultural conservative, Hibbs exaggerates both the pervasiveness of nihilism and the degree to which it reflects a fundamental social problem. There's no doubt much of popular entertainment is morbid and grotesque. From the satanic messages in the music of Marilyn Manson to the misogynistic lyrics of gangsta rap to the casual violence of many Hollywood films, there's material out there that can offend the most tolerant of persons. But in careful readings of films such as *The Silence of the Lambs*, *The Exorcist*, and the 1991 remake of *Cape Fear*, Hibbs argues that those who focus on the explicit elements of such material miss the real danger: the warped metaphysics shared by these films.

In *Cape Fear*, which was directed by Martin Scorcese and starred Robert DeNiro, the nuclear family is portrayed as corrupt, set against itself by lust, adultery, and dishonesty. Into this world comes convicted rapist Cady, looking for the father, the defense attorney who helped convict him. Cady is the only person in the film who is allowed any admirable character traits. Although he's brutal and violent, Hibbs writes, Cady practices the virtues of courage, of heroic individualism, the virtue most lacking in modern society. In his desire for revenge, he has a clarity of purpose all the other characters in the film, caught up in their bourgeois lives, lack. This film and many others center on, even celebrate, a Nietzschean anti-hero who is beyond good and evil. In these films, there is no higher order in life, no justice. There's only violence, and victory goes to the strong or lucky.

Jerry Seinfeld may not seem to have much in common with Cady. But for Hibbs, the world of his TV series is, in its own way, just as nihilistic as that of *Cape Fear*. The main characters on *Seinfeld* are ruled by their passions, he notes. Their obsessions are revealed always to be arbitrary and irrational and the *Seinfeld* universe is ruled by chance. The four main characters consistently find their plans rewarded or thwarted not by their own actions but by circumstance. For instance, in one episode, Kramer goes to California and meets a girl. Unfortunately for him she is murdered by a serial killer, and he is blamed for the crime. "Luckily, so to speak, there is another murder while he is in jail," Hibbs writes. The precariousness of one's present choices divests the ultimate issues of all significance, Hibbs writes.

Most *Seinfeld* episodes turn on questions of social protocol, not on moral issues. When someone does take a moral stand, it is ultimately revealed to be mere posturing. In one episode, a loud argument breaks out over the issue of abortion. Just a little while later, another loud argument starts over when a pizza becomes a pizza. "Pizza, abortion—it's all the same," Hibbs says. Moreover, the rules of etiquette are also revealed to be arbitrary and meaningless. Instead of the nihilistic era eliminating rules, initiating a lapse into a kind of anarchy, there is a medley of rules with no clear relationship to one another, Hibbs writes.

Most famously, the central characters in *Seinfeld* never learn from their mistakes, never grow. The final episode ends with the same conversation that began the series. *Seinfeld* treats the aspiration for transcendence, for permanence or wholeness, as misguided, Hibbs says. There is nothing but banal repetition and the experience of eternal recurrence as unending frustration. Jerry Seinfeld, the character, is Nietzsche's Last Man. He looks into the void and shrugs.

Drawing on the work of Nietzsche and Alexis de Tocqueville, Hibbs argues that liberalism tends to generate such nihilism. There are two dominant passions in a democracy, he says: the love of liberty and the desire for equality. The two are at odds, and the more powerful of the two is the desire for equality. When allied to the longing for physical well-being, Hibbs writes, the passion for equality leads to a remarkable sameness of condition and to uniformity of opinion, even as it dissipates the soul by immersing it in the pursuit of consumer goods and petty pleasures.

Hibbs sees the love of liberty as equally problematic. Radical autonomy is an illusion, he says, but the attempt to live a life unbound by the constraints of tradition or faith separates us from each other and

DANIEL BAXTER

from our past. The pursuit of happiness too often becomes the desire to accumulate more and more goods. The pursuit of happiness has always been problematic, Hibbs notes, because it invites an endless and ultimately unsatisfying search and diverts our attention from the past and the present to the yet-to-be-realized future.

When Hollywood produces nihilistic films and TV shows, Hibbs argues, it is both responding to and encouraging trends that have deep roots in the American psyche. Michael Medved says the idea that "Hollywood just gives the public what it wants" is a lie. "We know it doesn't," he said. But Hibbs suggests that Hollywood's values aren't that alien to America. Rather, nihilistic films and TV shows reflect a very real spiritual void, the product of a society that encourages both extreme atomism and conformity. That void is a consequence of the Enlightenment, says Hibbs, not of any Hollywood conspiracy.

Clearly, we cannot return to a pre-Enlightenment era. Nor does Hibbs suggest that we should try to. Following Tocqueville, he says the answer is to foster a shared morality that battles the excesses of democratic liberalism. People have to learn by example the virtues and sacrifices needed to keep alive a nation such as ours. And that's where popular culture comes in. Without being explicitly religious, Hibbs writes, popular culture should contain a kind of civil religion that teaches us to cherish, love, and care for our common life. It should also draw us out of our concentration on the present and our immersion in the limited circle of family and friends to take a long-term view of our lives and to participate in the political life of the nation.

Hibbs offers some examples of popular entertainment that do what he has in mind. Films such as *The Lion King* (1994) and *Groundhog Day* (1993) show us the importance of taking our place among others and living up to both our potential and our responsibilities. Even dark, violent films such as *Pulp Fiction* (1994) and *Seven* (1995), which were reviled by many cultural conservatives, aren't entirely negative, Hibbs says. While finding much to criticize in *Seven*, he singles out the character of Detective Somerset, played by Morgan Freeman, for some praise. Somerset exercises a kind of ancient Greek moderation, a practice of reining in one's ambitions and expectations that is prudent in a world that is tragic at best, he writes.

Similarly, he focuses on the character of Jules, played by Samuel L. Jackson, in *Pulp Fiction*. While the film paints a bleak, violent picture of the world, it offers a ray of hope in Jules' transformation from cold-blooded thug to would-be spiritual wanderer. It suggests that even a violent man may awaken to the possibility of an entirely different way of life, to discover the possibility of an integrating and ennobling purpose, and thus embark on a quest, this time not for evil, but for goodness.

Hibbs also breaks with other cultural conservatives in his assessment of 1994's *Forrest Gump*. That film, which was much loved by some conservatives, suggests that the only way to be good is to be a simpleton. Gump never struggles to determine what is right or to be good. Part of the reason nihilism has triumphed in art, Hibbs says, is that artists who know better have failed to present goodness in complex, realistic, and attractive ways. Given that, *Forrest Gump* is part of the problem, not the solution.

Hibbs is silent on the question of why artists have such a hard time presenting attractive portraits of virtue. The problem may be what we consider to be virtuous behavior. Too often, we are told that virtue lies in sacrifice, meekness, service to some good or authority higher than ourselves. When writers and directors try to create a character who embodies such virtues, they almost inevitably come up with a simpleton like Forrest Gump.

By contrast, consider the *Iliad* and the *Odyssey*. Those works present many characters who meet Hibbs' call for complex, realistic, and attractive portraits of virtuous men (and, on occasion, women). But those works upheld an ethical framework that valued cunning, pride, and self-interest as well as honor and bravery. When greed, sensuality, and self-interest are considered vices, it stands to reason that only the villains will display those traits. And maybe that attitude, not a fascination with evil per se, is one reason the bad guys in film and TV are often much more interesting than the good guys.

Contemporary nihilism may be even more deeply rooted than Hibbs believes. Nietzsche held that nihilism grows out of a religious tradition that opposes this world to the next and denigrates the former in favor of the latter. By doing so, it robs our lives in this world of all meaning. A popular culture that portrays this world as having meaning, a culture that applauds success, pride, and the right of each person to live for himself, would help battle the nihilism we see around us. It could also help counter the passion for equality that Tocqueville warned against. But this almost certainly isn't the sort of art that Hibbs has in mind. It would reinforce the individualism and egoism he thinks so destructive.

In any case, must *all* art be morally uplifting? Perhaps nihilistic art performs a useful function. Take *Seinfeld*. We can agree with Hibbs' reading of that show and still ask, so what? Yes, the characters in the series seem to live in a world governed by chance. Yes, they are driven by irrational passions, and the rules they seek to conform to are baffling and contradictory. But does the series teach us that our lives are that way, or does it show us how life is for the shallow and immature? Does *Seinfeld* mock the meaninglessness of life, or does it mock those who lead meaningless lives?

Hibbs and other critics of popular culture assume that a person's taste in art reflects his deeply held values, and that this is true for a society as well. If many Americans devour nihilistic entertainment, then, it is because they are seeking a reflection of the views they already hold.

Perhaps nihilistic art performs a useful function. Does *Seinfeld* mock the meaninglessness of life, or does it mock those who lead meaningless lives?

There may be some truth to that assumption. If someone listens only to harsh, misogynistic music, watches only dark, nihilistic films, and plays only violent video games, it could be (though not necessarily) cause for alarm. And if a culture is dominated by decadent, nihilistic popular culture, that too may be reason to worry. But what are we to make of a person who was moved by *Schindler's List* and who also enjoyed *The Silence of the Lambs*? Or of someone who laughs at *The Simpsons* or *Seinfeld* and cries during *Touched by an Angel*?

More important, what are we to make of a culture that allows all of these shows and movies to be hits? Maybe such persons, and cultures, suffer from basic spiritual conflicts and have a mixed view of how life is or should be. Or perhaps the occasional nihilistic film helps a spiritually healthy person, or society, confront the occasional fear that life is meaningless and, by facing that fear, overcome it.

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Save the Environment, and Get Rich

By David R. Henderson

Natural Capitalism, by Paul Hawken, Amory Lovins, and L. Hunter Lovins, Boston: Little, Brown and Co., 396 pages, $26.95

Natural Capitalism, by Paul Hawken, Amory Lovins, and L. Hunter Lovins, brings some real news to the authors' presumed audience of hard-core environmentalists. Hawkins is an environmentalist and the author of *The Ecology of Commerce*; the Lovinses are co-founders of the Rocky Mountain Institute, a non-profit consultancy that advises firms on saving resources. Perhaps it's not as entertaining as a two-headed Marilyn Monroe clone marrying Michael Jackson, but to many greens who associate economic growth with shrinking environmental quality, *Natural Capitalism*'s thesis might be even more shocking than the tabloids: Economic growth needn't coincide with environmental degradation.

The kind of industrial activity that upsets environmentalists involves the wasteful use of huge amounts of natural materials to create products that then dump pollutants back on Mother Nature. Do you see the hidden solution? The authors do, and that's what they call "natural capitalism," though the adjective isn't necessary—it's exactly the same kind of capitalism that free-market economists have been pushing for about 200 years.

Capitalism—the search for profits through making and selling in free markets—should move us toward both a healthy economy and clean air and water. Why? Because pollution and waste are inefficient and expensive. Is your factory polluting the air? You are wasting money. Polluting the water? You are wasting money. Using too much energy? Still wasting money. Add in the property rights of those downstream and the link between capitalism and environmentalism becomes still clearer. Factor in the true value of the clean air and water that nature produces each and every day for "free," and it becomes obvious that we will be richer with a cleaner environment.

This is where the greedy capitalists come in. Money can be made preventing the waste that causes resource depletion and pollution. Entrepreneurs clever enough to tap into this massive potential will make themselves and their companies wealthy. The government needn't order anyone to act.

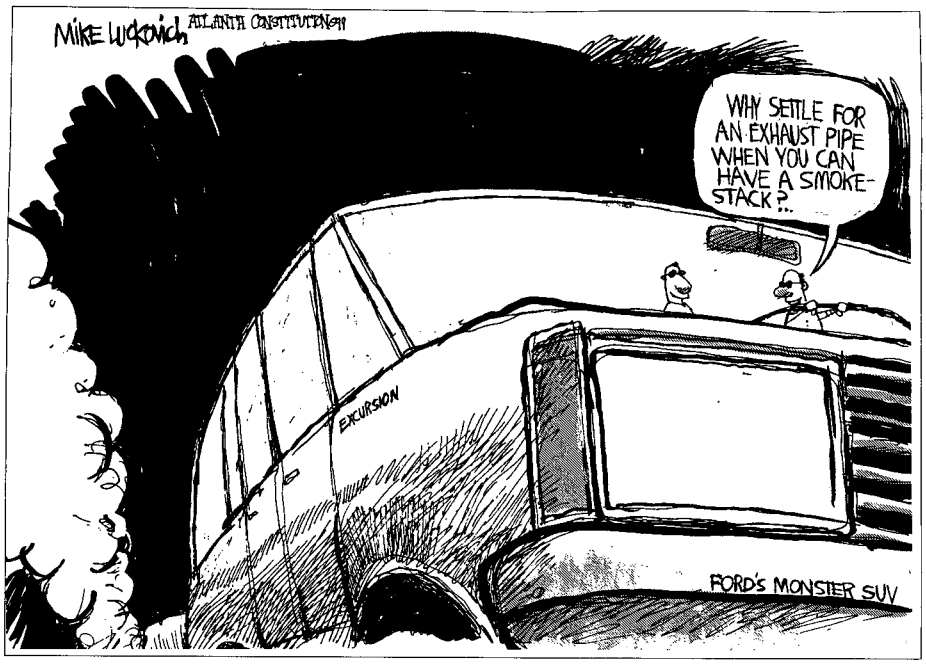
That three authors generally associated with the environmental movement now realize capitalism can help save the environment is news indeed, and fairly good news for much of this book. *Natural Capitalism*'s greatest virtues are in pointing out the tremendous waste caused by many of our activities and in laying out alternate, less-wasteful ways of doing things. Some of this waste, they note, is due to perverse government meddling. Interestingly—and more controversially—they attribute some of it to businesses' failure to maximize profits.

The authors devote a handful of chapters to stories of entrepreneurs who saved huge amounts of resources by thinking clearly at the start of investment projects. In example after example, they tell how various businesses came up with new ways to save energy and other wasted resources, with nice results for the bottom line. They also point out, disturbingly, that many businesses insist on about a 1.9-year payback for investment in energy savings, which is another way of saying that they insist on a rate of return of more than 50 percent. The necessary consequence is that many very profitable energy-saving investments are not being made.

Even a free-market economy isn't a perfectly efficient world where all opportunities are grasped and acted upon instantaneously; sometimes businesses make mistakes because they are stuck in a mindset that, say, puts a higher threshold payback period on energy savings than on other investments. This doesn't mean government needs to step in—time and competition usually guarantee that profit opportunities will eventually be seized—but it does mean that a certain amount of educating is necessary.

One of the best chapters, "Aqueous Solutions," documents how water is wasted. The authors note that people in industrialized countries "rely on the highest-quality water for every task, flushing toilets and washing driveways with drinking water." They write that we also "build big dams and water projects by reflex, rather than asking what's the best solution and the right size for the job."

What they write about toilets is so compelling that I haven't been able to flush a toilet since without thinking about how absurdly wasteful they are. "Many sanitation experts have come to view [the toilet] as one of the stupidest technologies of all time: In an effort to make waste products 'invisible,' it mixes pathogen-bearing feces with relatively clean urine. Then it dilutes that slurry with about 100 times its volume in drinking water and further mixes the mess with industrial toxins in the sewer system, thus turning 'an excellent fertilizer and soil conditioner' into a serious, far-reaching, and dispersed


MIKE LUCKOVICH, ATLANTA CONSTITUTION
WHY SETTLE FOR AN EXHAUST PIPE WHEN YOU CAN HAVE A SMOKE-STACK?..
EXCURSION
FORD'S MONSTER SUV

disposal problem."

They don't mention, though, that government bears much responsibility for our sewer system. University of Alabama historian David T. Beito has written that, as late as 1880, more than two-thirds of urban U.S. households used "privy vaults," brick-lined holes in the ground that were emptied by companies that sold the wastes to farmers for manure. Government-sponsored sewage systems changed all that. The authors do note, however, that two-compartment toilets in Sweden separate the feces from the nutrient-rich urine, allowing both to be sold for fertilizer.

In writing about cars, the authors think the market could make cars much more fuel-efficient without making them any less safe. "Blending today's best technologies," they write, "can yield a family sedan, sport-utility, or pickup truck that combines Lexus comfort and refinement, Mercedes stiffness, Volvo safety, BMW acceleration, Taurus price, four- to eight-fold improved fuel economy (that is, 80 to 200 miles per gallon), a 600 to 800 mile range between refuelings, and zero emissions." Although their claims may sound far out, the Lovinses' Rocky Mountain Institute was early in seeing the "hybrid" car—running on both an internal combustion engine and a battery—as the car of the future. Honda's recent introduction of such a car suggests the Lovinses may be right.

The authors also welcome an expansion of capitalist markets into the world of air pollution, specifically an emissions quota market for greenhouse gases, which they want to see restricted internationally along the lines of the 1997 Kyoto treaty. That way, people who want to emit more than their quota could buy emission rights from those who use less. That would provide a profit incentive for finding ways to emit less, since you could then profit from selling permits if you can emit under the legal limit.

But the authors undercut the need for either the Kyoto treaty or emissions credit markets by arguing that, quotas aside, producers will find it profitable to cut carbon emissions below the Kyoto-treaty level. So, for example, if the treaty would place a 100-unit limit on emissions, they argue that companies on their own would want to emit only, say, 80 units. If this is so, even those who fear global warming can comfortably oppose the Kyoto treaty. Who needs a treaty to stop people from doing things they wouldn't be doing anyway? And the value of emissions credits would also be zero if they are correct, making the market pointless—if people want to emit less than is allowed, they will pay nothing for the right to emit more.

Despite its virtues, this is not a great book, largely because the authors deeply misunderstand some key views of mainstream economic thinkers and of what they call "conventional capitalism." This misunderstanding prevents them from seeing just how many natural allies they have among mainstream and free-market economists. They write, for example, that the economic theory analyzing the past 200 years of economic growth is "based on the fallacy that natural and human capital have little value as compared to final output." That would have surprised the late Theodore Schultz and would shock Gary Becker, both strong advocates of free markets and both winners of the Nobel Prize in economics. Schultz and Becker developed the concept of "human capital"—capital produced by investing in knowledge and residing in people's heads. Hawken and the Lovinses' ignorance of economics shows itself perhaps most clearly in their discussion of the gasoline lines that followed the 1973 Arab oil embargo: They don't mention that such lines would not have existed if the U.S. government hadn't used price controls to keep gas prices below the market-clearing level.

The authors also think that "natural capitalism" is superior to "conventional capitalism" because the former treats nature as if it's valuable. But in conventional capitalism, much of nature *is* treated as valuable. If I own a farm, I care about how the addition of various pesticides and fertilizers affects the value of my land. I might not care about what the pesticides and fertilizers do to the surrounding rivers, but that's because no one has well-defined property rights in those rivers. If they had, they could hold me liable for the damage I do.

The book's authors are right that we often don't take account of the damage we do to nature, but that's because private property is not complete enough. No one "owns" nature, though as technologies of demarcation improve (the way that the invention of barbed-wire fences made it practicable to own and manage cows and land on the wide-open range), we can expect to find private property spread in areas in which it is currently absent, like water and air sheds.

If people owned nature, we wouldn't treat it nearly as badly as we sometimes do now. If I owned the water off Pacific Grove, California, to take a recent contro-

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versy in my town, I would never let the local government spill sewage into it the way they do now, or at least I would charge the government enough to compensate for the damage. Economists at the Political Economy Research Center in Bozeman, Montana, and other environmentally conscious "conventional capitalists" have written hundreds of articles and books extending these insights. The authors of *Natural Capitalism,* not well-versed in the body of thought known as "free market environmentalism," never mention this work of people who are truly their allies.

They are also mistaken about the level of government subsidy involved in transportation. They argue that transportation "is the most subsidized and centrally planned sector of the majority of the world's economies—at least for such favored modes as road transport and aviation." We do have a centrally planned (the old word was *socialist*) system of roads, airports, and air traffic control, as does virtually every other country. But it's certainly not one of the most subsidized. Drivers pay, in the form of gasoline taxes, for the roads they use, and not all the taxes go to build roads—a substantial fraction now goes to subsidize the buses and subways of municipal transit.

Is your factory polluting the air? You are wasting money. Polluting the water? You are wasting money. Using too much energy? Still wasting money.

Interestingly, the authors admit that roads are not on net subsidized, writing, "In fairness, the federal subsidies to the U.S. oil industry, unlike other fossil-fuel industries, are approximately offset by federal excise taxes collected on its retail products." They confine this admission, which undercuts their whole case, to a note at the end of the book. That's too bad, because they could have made the point that even though there is no net subsidy to roads, roads are probably not built where they should be and are overcongested because government control means that the price system is not allowed to direct resources. Government rarely charges people for their specific choices as to what roads to drive on and when, and almost never prices them higher at peak times of the day.

The authors realize, though, that much urban sprawl is caused by government zoning regulations that prevent "clustering" of housing, jobs, and shopping, though they ignore Jane Jacobs' pioneering work on that issue in her modern classic, *The Death and Life of Great American Cities.* They also note that widespread building regulations requiring developers to

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provide parking for each new shop, office, and apartment effectively subsidize drivers.

Despite its flaws, *Natural Capitalism* does provide some good arguments for a good message, even if the authors might not fully agree with all the implications of their analysis. But Hawkens and the Lovinses are essentially saying: Get rid of government restrictions that prevent us from using resources efficiently, tear down socialism in our transportation sector, and, if you're a businessperson who wants to be environmentally conscious, pay close attention to all available profit opportunities, even if they seem new. Then go out and get rich.

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Shaking the Anti-Foundation

By Mark Goldblatt

The Trouble With Principle, by Stanley Fish, Cambridge: Harvard University Press, 328 pages, $24.95

Stanley Fish is one of a handful of American academics—Harold Bloom, Camille Paglia, and Henry Louis Gates also come to mind—whose reputations transcend their professional disciplines, whose books flirt with best-seller lists, and whose media audience eclipses their actual readership. As public intellectuals, they occupy a peculiar rung on the celebrity ladder—potential panelists on *Politically Incorrect* if not quite worth a box on *Hollywood Squares.*

In *The Trouble With Principle,* Fish—current Dean of the College of Liberal Arts and Sciences at the Chicago campus of the University of Illinois and former head of the English department at Duke—turns his attention to the practical dangers and logical paradoxes of reasoning from principle. He argues that strict adherence to any abstract principle—call it "rationality," "impartiality," or "tolerance"—is in fact no more than a fetish of a "liberal Enlightenment" that insists "our allegiances [should not be] to persons or to wished-for outcomes but to abstract norms that ...are indifferent to outcomes." For Fish, that's a fetish every bit as dogmatic as the dogmas against which classical liberalism defines itself. Liberal Enlightenment, according to Fish, should thus be recognized as only another competing faith. Even though it purports to arbitrate fairly and "disinterestedly" between the opposing sides in every dispute, it is actually a side unto itself, pre-eminent at the moment perhaps, but still just fighting it out in the public sphere with its competition.

The book is actually a gathering of somewhat disparate essays around which Fish has tossed the conceptual lasso of "anti-foundationalism"—the belief that all knowledge is socially constructed, that truth exists only within ways of looking at the world, and that no particular way of looking at the world is any more or less valid than another. The advantage, for Fish, of anti-foundationalism is that it enables him to call into question *everything*—except, of course, anti-foundationalism. His stance metamorphoses him into the ultimate gadfly. Read in that spirit, and bearing in mind the metaphysical heft of your average fly, his collected buzzings offer occasional insights.

Fish has a broad range of interests. Essays on constitutional law are interrupted by lengthy disquisitions on the character of Satan in Milton's *Paradise Lost.* Hobbes, Locke, and Mill are trotted out like the old warhorses they are, put through their paces, and then returned to their stalls. Even St. Augustine has a cameo leading up to a consideration of 1964's landmark legal case, *New York Times v. Sullivan.* In *Sullivan,* the Supreme Court held that the First Amendment's guarantee of freedom of the press shielded the media from libel suits for publishing defamatory reports about public figures, even if the reports turned out to be false, as long as they were made without malicious intent. That's a decision which, according to Fish, "privileges expression as a value over the substantive worth and veracity of that which is expressed." Rather predictably, Fish mocks a gathering of political conservatives in Washington, D.C.; less predictable are his remarks on the anti-abortion movement, which are measured, even compassionate. He does not dismiss religious activism out of hand, as is the wont of many left-leaning academics. In fact, Fish reserves his nastiest comments for the lefty theorist Jurgen Habermas.

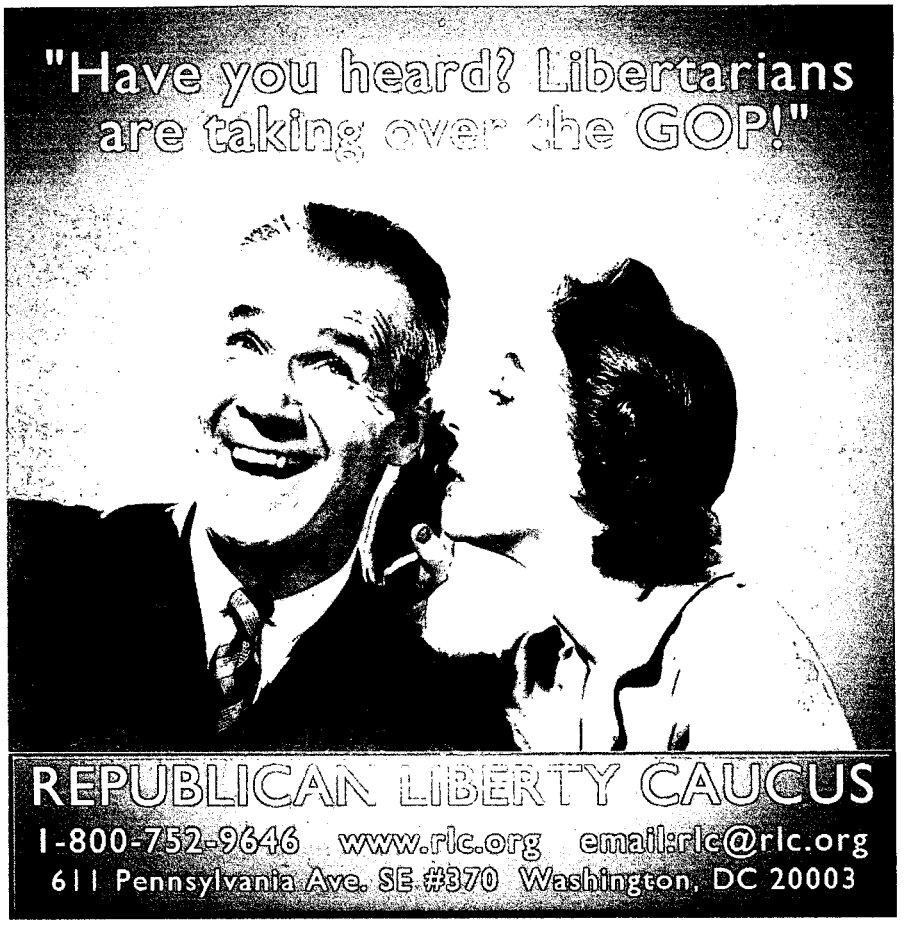
Fish is at his very best in a chapter called "Boutique Multiculturalism." He probes the underlying inconsistencies of the multiculturalism movement, dividing multiculturalists into two classes: *boutique* multiculturalists and *strong* multiculturalists. The former profess respect and sympathy for exotic cultures, "but [they] will always stop short of approving other cultures at a point where some value at their center generates an act that offends" the boutique multiculturalist. As merrily as the boutique multiculturalist may celebrate the incidentals of Islamic culture, for example, he stands appalled at the death warrant issued against Salman Rushdie after the 1988 publication of *The Satanic Verses.* The boutique multiculturalist, in short, "resists the force of the culture he appreciates at precisely the point at which it matters most to its strongly committed members."

As Fish notes, the resistance of the boutique multiculturalist to the *fatwa* is guided by a principle of rationality and the belief system of liberal Enlightenment that coalesces around it: 1) that all people, as rational beings, are really the same under the skin; 2) that evident differences among people, such as religion, ethnicity, race, sex, and class, are superficial, "matters of lifestyle"; and 3) that common humanity requires open-mindedness to dissent. Hence, the boutique multiculturalist's ever-so-reasonable response to Rushdie's book: If it bothers you, don't read it. Religious duty—as well as ethnic loyalty, racial solidarity, sexual identity, and class consciousness—is thus trivialized by the

boutique multiculturalist, "who does not and cannot take seriously the core values" of the other culture. Core values, indeed, are dismissed as though they could and should be shrugged off at a moment's notice.

By contrast, the strong multiculturalist "will want to accord a *deep* respect to all cultures at their core, for he believes that each has the right to form its own identity and nourish its own sense of what is rational and humane." Tolerance, rather than mere rationality, is the guiding principle for the strong multiculturalist. Yet even the strong multiculturalist cannot go all the way: "Either he stretches his toleration so that it extends to the intolerance residing at the heart of the culture he would honor, in which case tolerance is no longer his guiding principle, or he condemns the core intolerance of that culture...in which case he is no longer according it respect at the point where its distinctiveness is most obviously at stake." Hard cases, such as the Rushdie *fatwa*, force the hand of the strong multiculturalist and reveal him to be either a boutique multiculturalist or no multiculturalist at all—for if he goes all the way and embraces the *fatwa*, he becomes a "uniculturalist" who approves the effort to stamp out opposing points of view. Since boutique multiculturalism is a mere posture and strong multiculturalism an impossibility, Fish concludes, "no one could possibly *be* a multiculturalist in any interesting and coherent sense."

As Fish is aware, however, multiculturalism is more than an intellectual exercise. It's a social movement that presents practical difficulties. Should colleges allow ethnic dormitories, even if they result in de facto segregation? Should speech codes be enacted in the workplace to ensure a non-oppressive environment, even if they infringe on an individual's right of free expression? Rather than addressing these practical issues with "mind numbing abstractions" such as "the meaning of democracy, the content of universal rights, the nature of community, the primacy of the individual and so on," Fish offers "inspired adhoccery." In other words, forget about applying an overarching principle and treat each situation as it comes up "as an opportunity for improvisation." Go with what works—since, according to Fish,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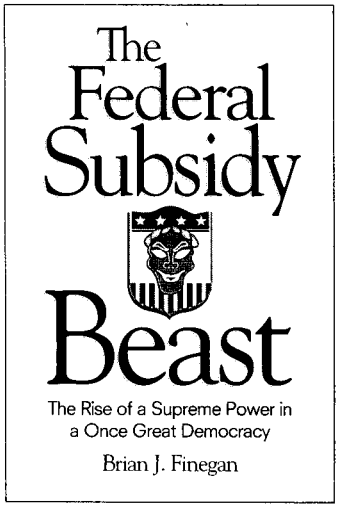

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The trouble with principled arguments, in Fish's nutshell, is that when we apply them to practical, real world situations, we wind up with results that are repugnant—at least to enlightened liberals. A principled formulation of the First Amendment turns out to support the right of neo-Nazis to march in Skokie, Illinois, or of anti-abortion extremists to post hit lists of physicians, including names and addresses, on the Internet. Actually, a more accurate title for Fish's book would be *What's So Bad about Hypocrisy?* We're all hypocrites in the intellectual foxholes, Fish maintains, and the effort to pretend otherwise is self-defeating. The single hypocrisy that Fish would have us shun is the pretense that we are above hypocrisy; or, in positive terms, the single principle to which Fish would have us cling is that we must always remain, to a certain degree, unprincipled.

This isn't a bad analysis—it's well worth remembering that hard cases test the internal tensions of every principled position. And Fish constructs parallel cases against unwavering champions of the First Amendment: In the end, they must silence those who would silence them. And against stalwart defenders of academic freedom: In the end, they must oppress those who would oppress them.

But he pushes the argument too far—and here he is betrayed by his anti-foundationalist theory. From the nifty though slight observation that a little hypocrisy is, from a practical standpoint, inevitable, or that perfect consistency is, from a moral standpoint, untenable, Fish derives the sort of utter non sequitur that makes literary theorists objects of derision among trained logicians. Namely, he argues that the quest to be guided by uniform principles is idiosyncratic to liberal Enlightenment and thus a politically freighted enterprise.

This is simply silly—beginning with Fish's use of the word *political.* "The game of neutral principles," he declares, "is really a political game." And again: "Liberal neutrality does political work so well because it has managed to assume the mantle of being above politics." And he titles the first section of his book "Politics All The Way Down"—by which he means that reason itself is a political tool.

The problem with such pronouncements is that if all world views are "political," then the word becomes meaningless. Logicians know this as the law of connotation and denotation: the more broadly a term is applied, the less it actually signifies. If I say "All men are poets," then the predicate in "Keats is a poet" adds nothing to the subject "Keats." (We notice this phenomenon nowadays in charges of racism; the charge is made so often it is no longer clear what it means.) If, as Fish wants to argue, all world views are political, then the attribute "political" simply becomes implicit in the concept of a worldview.

What Fish is trying to say, however, is that all world views are *equally arbitrary*—that is, no particular perspective bears a closer resemblance to objective reality than any other. Furthermore, people adopt their perspectives based ultimately on their self-interest. How we look at the world, in essence, is conditioned less by the way the world actually is than by the way we want it to be. Attempts to justify one perspective and denigrate another are always made from within the conceptual framework of the perspective being justified—thus the enterprise is inescapably "political."

None of which inhibits Fish himself from privileging his own perspective. He argues in favor of affirmative action by citing "the undoubted facts" of systematic discrimination. And he thereafter rejects the notorious argument made in Richard Hernnstein's and Charles Murray's 1994 book *The Bell Curve* that (in Fish's summary) "blacks occupy inferior social and economic positions because they are naturally inferior" on the grounds that there exists "an overwhelming scientific consensus that the concept of race has no biological foundation." By invoking a scientific perspective to reject a conclusion he does not want to entertain, Fish privileges reason over faith. But isn't this hypocritical?

Exactly! Fish would respond.

Despite his own practice, therefore—and hence invincibly—he is still willing to insist that there is no epistemological distinction to be drawn between a system rooted in principles of reason or revealed faith. "Rational deliberation," he declares, is itself an orthodoxy, "and the faith...is that through rational deliberation we shall arrive at the truth."

What Fish has failed to notice (and this is the perpetual relativist blindspot) is that the exercise of reason, at least on the level of first principles, is common to every society that has ever existed. Among ancient societies, for example, the eruption of a volcano might be ascribed to the anger of a god; among contemporary societies, it would more likely be ascribed to geothermal forces. Regardless of who is right, the process of rational deliberation is constant. The volcano erupted for a reason; something caused it to happen. That is the law of causality—which is not *one* way people have of looking at the world

HENRY PAYNE

but *the* way they have of looking at the world.

From a recognition of the universality of rational deliberation follows a critical distinction between, on the one hand, societies that permit the exercise of reason to run its course relatively unfettered and, on the other hand, societies that willfully subordinate the exercise of reason to nonrational concerns. Naturally, the division is never cut and dried; Fish is quite right in his contention that a society's dominant world view always, to some extent, hems in its pursuit of truth. But the fetters are tighter in some societies than in others. There is a clear difference between a university whose motto is "Truth through investigation and experiment" and one whose motto is "Glory unto God in all things."

Likewise, there is a clear difference between a society that values individual freedom over collective stability versus one that values that latter over the former, or between a society sustained through republican democracy and one sustained through totalitarian force. Fish would argue that such a difference is, at bottom, merely a difference in perspectives—in other words, a political difference, not an ethical one. That is *his* perspective, and, despite its horrific implications, he will not be shaken from it.

Of this last point, I am certain. For in the interest of full disclosure (another principle) I must note that Fish and I engaged in a lengthy e-mail exchange last year after he took exception to a newspaper column I wrote. Though I cannot claim him as a friend, during the course of our correspondence, I found him to be a person of conscience, manners, and not-inconsiderable charm. As an intellectual, he probes effectively but prescribes badly. Despite his prominence, therefore, he'll never be more than a gadfly. But his buzzing is almost always provocative.

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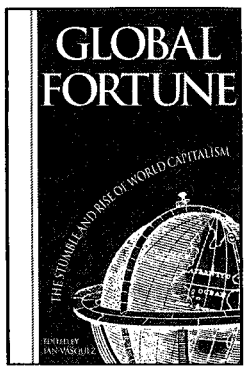
THE STUMBLE AND RISE OF WORLD CAPITALISM



After two world wars, the Great Depression, and experiments with socialism interrupted the liberal economic order that began in the 19th century, the world economy has now returned at the very least to the level of globalization that it previously enjoyed. Capitalism has made the 20th century one of unrivaled prosperity, yet critics still fault markets for spreading instability and poverty—citing financial crises in Asia and elsewhere as evidence. These essays assess such claims, propose improvements to the international financial system, and evaluate the prospects that the recent conversion to global capitalism will be sustained. Contributors include **Deepak Lal, Julian Simon, Mario Vargas Llosa, Rudiger Dornbusch,** and **Andrei Illarionov,** chief economic adviser to Russian president Vladimir V. Putin.

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Now, the News

Meet Ananova, the virtual news anchor on Britain's Press Association (PA) Web site, ananova.com. Click her button there, and she'll "read" you a mix of political and celebrity headlines, complete with commercials. She talks like an American, and is still visually jerky, but at her launch in April she modestly identified herself as "the face of the future."

Ananova's fans think she looks like Posh Spice, and are following her growing number of expressions and her increasing ability to communicate nuance. Her creators claim that the difference between her and human news anchors is that, "She's a computer with a face in front of it, not a face with nothing much behind it." The PA even claims that Ananova "will completely change the way we communicate." But her detractors think she's a step in the wrong direction.

One of the appeals of the Internet is the access it provides to unmediated information. Its users can bypass filtering editors. Although Ananova offers e-mail bulletins on particular subjects (like sports), in the end she doesn't do much you can't do for yourself.

Except one thing: She'll tell you a story, complete with facial drama. Perhaps technologies that *can* feature character and identity must inevitably do so. "People said they preferred to get their information from a woman," a PA spokesperson told the Associated Press. But, "She's not a babe. She's a sophisticated real-time computer system."

—Charles Paul Freund

Charter Schools in Action

Chester E. Finn Jr. is a distinguished visiting fellow, Hoover Institution; member, Hoover's Koret Task Force on K–12 Education; and coauthor, Charter Schools in Action: Renewing Public Education (Princeton University Press, 2000).

Almost 1,700 charter schools now operate in the United States, enrolling 300,000 youngsters. In the District of Columbia and Trenton, 10 percent of all schoolchildren attend them. In Kansas City, it's 13 percent.

A decade ago, nobody had heard of a charter school. Today, people such as National Urban League president Hugh Price and "reinventing government" guru David Osborne, even mainline groups such as the Education Commission of the States, talk about the day when every school will have a charter.

What exactly is a charter school? It's an autonomously operated public school, freed from most government regulation, that enrolls children who want to attend it but is open to all. It is paid for with tax dollars and accountable to a duly constituted public body, typically a state or local school board.

A charter school has a specific period of time—usually five years—in which to produce results or risk not having its charter renewed. A charter school is accountable to the public body that authorized it as well as the families that enroll their kids in it. That's why some fifty-nine charter schools (4 percent) have already closed or been shut. How many public school systems can you point to where such a fate has befallen failing schools?

More than four hundred charter schools opened in the past year alone. Thirty-seven states now have charter laws. As expected, however, the defenders of the education status quo—the teacher unions above all—are doing their utmost to halt this bandwagon.

The unions' hostility is understandable. Autonomous schools pose a threat to their monopoly. But it's ironic when we recall that the charter school idea was first proposed by Albert Shanker, former president of the American Federation of Teachers.

How are these schools doing? Most of the achievement data available today are state-specific and mixed. But their clients seem pleased with what they're getting. **Seventy percent of charter schools have waiting lists.**

Critics predicted that charters would skim the ablest and most fortunate kids, but that's not happening. Low-income and minority kids are at least as well represented in these schools as in regular public schools, as are youngsters with limited English proficiency.

Where is this headed? Nobody can be sure. The financial, regulatory, and organizational obstacles that stand in the path of would-be charter starters means that it takes extraordinary commitment to succeed. For example, most states provide charters with no capital funding and only about 80 percent of the per-pupil operating budgets enjoyed by conventional public schools.

Although charter schools encounter serious start-up problems, they may be harbingers of tomorrow's brand of public education. Instead of vast government-run bureaucracies, public schools could be run by teams of teachers or parents, by community organizations, even private firms. It's an exciting time for American public education, with immense potential for the reforms our communities need and our children have been waiting for.

— Chester E. Finn Jr.

Paid for by the Hoover Institution, Stanford University.

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